

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	Criminal Action Number:
	:	1:19-CR-57
v.	:	
	:	
PETER LE (1), JOSEPH	:	May 5, 2022
DUK-HYUN LAMBORN (5), TONY	:	9:06 a.m.
MINH LE (8), YOUNG YOO (13),	:	
	:	
Defendants.	:	
	:	
.....	:	

VOLUME 16 - MORNING SESSION  
TRANSCRIPT OF JURY TRIAL PROCEEDINGS  
BEFORE THE HONORABLE LIAM O'GRADY,  
UNITED STATES DISTRICT COURT JUDGE

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MORNING SESSION, MAY 5, 2022

(9:06 a.m.)

THE COURTROOM CLERK: Court calls *United States of America versus Peter Le, Joseph Duk-Hyun Lamborn, Tony Minh Le, Young Yoo*. This case comes on for trial by jury.

May I have appearances, please, first for the Government.

MR. BREDEMEIER: Good morning, Your Honor. Ryan Bredemeier.

MS. CUELLAR: Carina Cuellar.

MR. TRUMP: And Jim Trump.

THE COURT: All right. Good morning.

MS. MANITTA: Good morning, Your Honor. Lana Manitta and Jesse Winograd for Peter Le, who is present.

THE COURT: Good morning.

MR. JENKINS: Good morning, Your Honor.

May it please the Court. Robert Jenkins on behalf of Tony Le.

THE COURT: Good morning.

MR. AMOLSCH: Good morning, Your Honor. May it please the Court. Chris Amolsch and Frank Salvato for Young Yoo.

THE COURT: All right. Good morning.

MR. YAMAMOTO: Good morning, Your Honor. Alan Yamamoto and Pleasant Brodnax for Mr. Lamborn.

THE COURT: All right. Good morning.

Good morning to everyone.

1 Any preliminary matters before we continue the closing  
2 arguments?

3 Mr. Brodnax.

4 MR. BRODNAX: Your Honor, I think it was called to my  
5 attention that when I moved the disk into evidence, I didn't give  
6 it a number. I meant to say 1, so I don't think there's a --  
7 would be an objection to --

8 THE COURT: Defendant's 1?

9 MR. BRODNAX: Yes, Your Honor.

10 THE COURT: Okay.

11 MR. BRODNAX: Thank you.

12 THE COURT: Or Lamborn 1. Let's make it Lamborn 1.

13 MR. BRODNAX: Lamborn 1.

14 THE COURT: Right.

15 MR. BRODNAX: Yes, Your Honor.

16 THE COURT: Okay. Good.

17 Then, Ira, let's get our jury, please.

18 (Jury in at 9:08 a.m.)

19 THE COURT: All right. Please have a seat.

20 Good morning, ladies and gentlemen. Thank you for making  
21 your way in on time as usual. Thank you.

22 Nod your heads that you didn't do any research or  
23 investigation or talk to anybody about the case.

24 THE JURY PANEL: (Nodded head affirmatively.)

25 THE COURT: Thank you.

1 All right. We'll continue with closing arguments at this  
2 time. Mr. Salvato.

3 **CLOSING ARGUMENT ON BEHALF OF DEFENDANT YOUNG YOO**

4 MR. SALVATO: Good morning. I just want to say a few  
5 opening remarks, if I could, before I get to the evidence against  
6 Mr. Yoo.

7 I want to, first of all, thank you sincerely for your  
8 service. It is a personal inconvenience for sure, no phone, no  
9 Internet, no family for a while, and that daily human contact I'm  
10 sure that you're missing during the weeks here.

11 So everything is kind of controlled in this environment,  
12 and it's always interesting to me because at the end of the case,  
13 the control over all of this goes to you. It's kind of the  
14 ultimate power shift in a way, because the judge and the  
15 prosecutors and the Defense attorneys and everybody involved, but  
16 now it's yours. The control over this entire case is in your  
17 hands.

18 The verdict is yours, individually, collectively. It's  
19 your verdict. It's your control very soon.

20 And it's your recollection that controls about the  
21 evidence. So if I say something happened, the Government says,  
22 no, it didn't happen that way, it's up for you to decide. If the  
23 Government says something happened that doesn't quite fit within  
24 your memory of your notes, I see everybody is taking books and  
25 books of notes, it's up to you guys because your recollection

1 controls.

2 And the Court has said that in its instructions,  
3 three hours' worth of instructions, that your recollection  
4 controls, and there it is in writing. It's Instruction No. 7.  
5 It's your recollection. And you are the sole judges of the  
6 evidence received in this case. That's part and parcel of the  
7 power shift.

8 And, ladies and gentlemen, we did everything that we could  
9 for Mr. Yoo, and whether we were too aggressive, not aggressive  
10 enough, or whatever, everybody has their own style, but we did  
11 everything we could to defend Mr. Yoo from these charges.

12 And you can deliberate any way you want. Any way you  
13 want. You can do a chart with defendants and elements, match up  
14 whether there's enough proof on each element. You can do it  
15 however you want.

16 And I think the one thing that we all can agree on in this  
17 case, I think the classiest, most patient, and honorable folks in  
18 this courtroom were the White family. And we recognize, I  
19 recognize how horrible and sad this case is, and I think you have  
20 to be living in a cloud or a dreamworld not to recognize that.  
21 It's an emotional case. Any time anyone leaves this earth, it's  
22 difficult and horrible. And, certainly, to leave the earth under  
23 these circumstances is unimaginable. And I think it makes your  
24 job much more difficult in a way because of all the emotion in  
25 the case. There's no doubt about that. The Government started



1 and ended its case with Brandon White's picture, and I cannot  
2 even tell you how difficult that must be for his family.

3 And the emotion of the case sometimes, ladies and  
4 gentlemen, makes your job a lot more difficult, because people,  
5 which is normal, can get caught up in the emotions of the tragedy  
6 of a situation. Your job is exponentially more difficult because  
7 of this.

8 However, it's always been my view that in a case like  
9 this, this is where proof beyond a reasonable doubt, that  
10 standard, is really the most important standard and thing that  
11 you can hold on to through these deliberations.

12 Because as Judge O'Grady has told you, and I'll tell you  
13 right now, the verdict, as difficult as it is or can be, cannot  
14 be based on the emotion of the case or the inflammatory videos,  
15 the horrible pictures, the forensic anthropologist. And you have  
16 to be, like I said, living in a cloud not to have that affect  
17 you. But it's cases like this, with all that emotion swirling  
18 around, that it's vitally important to hold the Government to its  
19 burden because you don't want, perhaps not a morally innocent  
20 person, but an innocent person like Young Yoo to be convicted of  
21 something that he just didn't do.

22 So that's your reality today, and with that control or  
23 that power comes a lot of responsibility. I'm sure a lot of  
24 tension, a lot of emotion yourself. It's not a job I envy for  
25 you guys, but the power now goes to you.

1           The last couple of things I say, I'll say before I delve  
2 into the evidence specifically, is that, basically, I agree with  
3 Ms. Cuellar, right, lawyers love words. So any time the  
4 Government alleges a crime that says four parts to it, those are  
5 called "elements." The Government has to prove each element,  
6 each of those four points beyond a reasonable doubt. So if they  
7 prove three and they don't prove the other, your duty -- you're  
8 duty-bound -- is to say not guilty. As Judge O'Grady said, I  
9 think, in his first instruction, if Mr. Young Yoo is guilty  
10 beyond a reasonable doubt, say so. If he's not guilty beyond a  
11 reasonable doubt, say so.

12           And you have to give Mr. Yoo separate consideration.  
13 Everybody has their duty to advocate for their client  
14 individually. So, oftentimes, you hear the Government says  
15 "they," "them," "they." You have to parse that out. My job, my  
16 privilege today, right now, is to advocate for my client, Young  
17 Yoo, so here we go.

18           "That was the craziest shit I ever saw." That's really  
19 the highest that the Government can get in this case against  
20 Mr. Yoo. And as you'll recall, that's what one of the people in  
21 the white car said that Mr. Yoo told him when he returned to the  
22 car, "That was the craziest shit I ever saw."

23           And I want to start my argument on Starter. Let's start  
24 with Starter.

25           Starter, in our humble opinion, was, perhaps, the most

1 brutally honest cooperator, certainly a brutal cooperator. And  
2 what Starter told you, and he said other things, but what he told  
3 you from our perspective for Mr. Yoo is the following: Starter  
4 said that Mr. Yoo avoided going on missions, which makes sense  
5 because there's no evidence at all that he ever went on a  
6 mission. It's really corroborated -- Starter's statement is  
7 really corroborated by the rest of the evidence. You never saw  
8 Mr. Yoo on a mission.

9 Starter considered Young weak and a bitch. Starter said  
10 that Yoo didn't want fights. When Starter and Young purportedly  
11 talked about the Brandon White situation, Mr. Yoo said, you know,  
12 "I just want to pay him not to testify." And that's giving the  
13 Government every inference about what Starter said. And my  
14 colleagues will talk about -- or have talked about whether  
15 Starter's honest or not. But what Starter said was that Mr. Yoo  
16 told him that he would just pay, just pay him not to testify.

17 Now, Starter, as Ms. Cuellar indicated in her closing,  
18 said, "Well," you know, "I would just kill him."

19 Mr. Yoo said, "I don't want to kill anybody."

20 Starter also testified that Young didn't want to kidnap  
21 Brandon White. Starter said, according to who he talked to, that  
22 Young Yoo was just there. "Craziest shit I ever saw."

23 And you'll have an instruction on this soon, and we're  
24 going to put it up on the podium in a second.

25 Starter also said that this plan or this thing that

1 happened that night was a spur of the moment, that Mr. Yoo just  
2 wanted to pay, and you have the evidence of that with  
3 Mr. Noorishad, the attorney, who came in and talked about --  
4 trying to get this accord and satisfaction or whatever, and pay  
5 Brandon White. He had this FaceTime call with Mr. White to just  
6 pay him \$5,000, and then the target kept moving.

7 Starter says that after he was involved in moving the  
8 body, he beat up Young, beat him up. He said that Young had no  
9 interest in going back to the body. He told Starter he was  
10 crazy. And that's true, Starter is crazy, crazy but is seemingly  
11 honest, in our opinion.

12 Remember, there's two cars that night, the white car and  
13 the blue car. And if Mr. Yoo was really in on any plan -- and my  
14 colleagues have talked about whether Fahad and Sayf and  
15 everything like that -- he was really in on any plan, he would be  
16 in the blue car; he wouldn't be in the white car.

17 Starter also said that he saw an online article about the  
18 case, and you heard Spencer Pak kind of vacillated on that.

19 So those are kind of my summary notes of Starter, and I  
20 reduced them to a slide.

21 Thanks, Chris.

22 He said that Mr. Yoo avoided going on missions. He  
23 considered Yoo as weak and a bitch. "You didn't want fights."  
24 He just wanted to pay Brandon White. Starter says he would have  
25 killed him. Starter says, from this box, in his testimony, that

1 Young didn't want to kill anybody. Starter testified that Young  
2 didn't want to kidnap Brandon White. Starter, according to who  
3 he talked to, said that Young was just there, and you'll see the  
4 mere presence instruction coming up. And at the end, you see  
5 Starter says he beat up Young. Young had no interest in going to  
6 the body, told Starter he was crazy. Young is not in the blue  
7 car, even giving the Government every inference.

8 So that's Starter.

9 Thank you, Chris.

10 I want to go through the cell phone records, if I could,  
11 and Ms. Cuellar went through some of them but not all of them.  
12 And I really want you guys -- not to tell you what to do, right,  
13 that's the lawyer in me, but I will suggest what to do, is to  
14 look at those cell phone records when you go back to deliberate  
15 about Mr. Yoo. Please, please look through them and look through  
16 them carefully with a great deal of attention as to how the cell  
17 phone records match up with some of the testimony from other  
18 Government witnesses, okay? It's not pretty work; it's gritty  
19 work. But I think you'll see that it actually supports what  
20 we're saying.

21 All right. Page 7 of those cell phone records, this is  
22 one of the first slides that the Government showed you. Page 7,  
23 you can see there it looks like Mr. Yoo is the 9678 number, okay.  
24 So Young Yoo is 9678. It looks like he is there in  
25 Fort Washington, and you know the other number has already been

1 identified as belonging to somebody else in the courtroom.  
2 They're together in Fort Washington.

3 And if you look at Page 8 -- why is Page 8 important?  
4 Because you'll remember, hopefully, a lot of evidence in this  
5 case, right, four weeks later, that Soung Park told you that  
6 Young Yoo and Mr. Lamborn left Fort Washington together.

7 If you look at Page 8 -- remember, Young Yoo is 9678, and  
8 the other number purportedly belongs to Mr. Lamborn. Remember,  
9 these are numbers, not people, right? But you can see basically  
10 at the same time, these two individuals are separate. So we know  
11 that Soung Park did not tell you or perhaps did not recollect or  
12 lied about whether these two individuals left together, because,  
13 clearly, they're not together. And the cell phone expert, do you  
14 remember he came in at the end of the day, everybody was tired?  
15 But these are two phones that are essentially the same. They  
16 pick up on the same cell towers. These two individuals, the 9678  
17 and the other phone number, they're not together when they leave  
18 Fort Washington.

19 Let's take a look at the next page, Page 9. Page 9. At  
20 10:50 p.m., on the night in question, you see 9678, which is  
21 purportedly tied to Mr. Yoo, you see 9678 up in the area of --  
22 what's their PL? -- Peter Le's house, okay. That's 10:50 p.m.  
23 It looks like that phone is up at Peter Le's house, okay?

24 But if you look at Page 10 -- this is a slide I don't  
25 believe that the Government showed you in its closing argument --

1 it looks like and I think Ms. Cuellar said "going south" or  
2 something along those lines, but to fill that out, on Page 10,  
3 you see -- remember, Yoo is up here at 10:50 in the direction of  
4 Peter Le's house, and it looks like he leaves that area, right?  
5 So if you look at Page 10 of that exhibit, it looks like Mr. Yoo  
6 is going south until 11:12 p.m. Going south away from Peter Le's  
7 house.

8 And if you look at the next slide, Page 11, remember, he's  
9 south of Peter Le's house at 11:12, and it looks like at 11:48,  
10 he's back up north in that area again. So if you look at that  
11 and put two and two together or one and one, it looks like  
12 Mr. Yoo, south at 11:12, not back even up in that area of  
13 Loehmann's Plaza, et cetera, until 11:48. Okay.

14 So let's say it takes 15 minutes to get from that bottom  
15 area to that top area. That doesn't put Mr. Yoo back in the area  
16 of Loehmann's Plaza or Peter Le's house, again, giving the  
17 Government every inference, until, let's say, 11:30-ish or so,  
18 right?

19 And this is really, really important. I know it's really  
20 detailed, but this is super important for Mr. Yoo. Because if  
21 you look at the timeline that the Government introduced --

22 Thanks, Chris.

23 -- at 11:38, the cars arrive at Loehmann's Plaza; and  
24 11:42, the two cars depart. Okay. So if Mr. Yoo is south at  
25 11:12, doesn't get up north until at least 11:30, and it probably

1 takes a few minutes for anybody, if that's true, to get from  
2 Peter Le's house to Loehmann's Plaza, it looks like that Young  
3 Yoo, even if there was some big meeting at Peter Le's house, is  
4 not around Peter Le's house or anyone from 10:56, when he starts  
5 moving south until 11:30.

6 Why the heck does it matter? Why it matters is that the  
7 Government claims that most of the conversations about this  
8 supposed plan -- and Ms. Manitta has talked to you about whether  
9 Fahad is reliable and all that. I'm not going to step on that at  
10 all, but most of this great plan to kidnap Brandon or Mr. White  
11 was during this time period. These are when the conversations  
12 supposedly took place.

13 And remember, the nature of the conspiracy is joining the  
14 conspiracy. It's a partnership in crime, and it appears from  
15 these records that Mr. Yoo is not there during this critical  
16 period of any discussion, if any discussion took place. Even  
17 giving the Government every inference, every benefit of the  
18 doubt, Young Yoo must have gotten there at Peter Le's house at  
19 the latest -- earliest, like 11:30, because the cars arrive at  
20 Loehmann's Plaza -- you heard Brian, the detective, the homicide  
21 detective from Fairfax, said that the cars arrived at Loehmann's  
22 Plaza at 11:38.

23 Why the heck is that important? That's why Mr. Yoo does  
24 not know what the Government claims is being planned. That's why  
25 he's not in the blue car. The Government acknowledges this.



1           If he is in on it, why is Mr. Yoo not in the blue car?  
2       Why doesn't he jump into the blue car? If this is his debt, his  
3       issue, he would jump right into that blue car.

4           There's certainly space in the blue car. You heard  
5       evidence even from the Government's witnesses that, apparently,  
6       Mr. White is in the back seat with two other individuals. You've  
7       got another guy driving and an empty passenger seat. If Mr. Yoo  
8       is in on a conspiracy to kidnap Mr. White, there's no reason for  
9       the white car. He would just jump in the blue car.

10           That's why, even according to the Government witnesses,  
11       when Mr. White appears at Loehmann's Plaza, Mr. Yoo says, "Oh,  
12       man" or "Oh, shit," or he's surprised. That's why Mr. Yoo is not  
13       alleged to have been wearing gloves or any secretive clothing or  
14       anything like that. That's why Mr. Yoo does not push at all or  
15       grab Mr. White, even if you believe that's what happened. No  
16       evidence at all that he was wearing gloves, that he was in some  
17       secretive clothing, that he touched Mr. White, he grabbed  
18       Mr. White, shoved him anywhere any time.

19           That's why he doesn't know where they're going. That's  
20       why when the two cars arrive in Richmond -- remember, they lose  
21       each other, and I think, I think Henny even said Young, at some  
22       point, was just -- "just pull over, Mr. Aagesen."

23           That's why he's surprised when Mr. White is taken out of  
24       the car. And, again, my colleagues will deal with that. That's  
25       why Mr. Yoo is surprised when Mr. White is taken out of the car,

1 and he says, "Oh, shit" or "Oh, man" or something along those  
2 lines. And that's why when whoever disappeared into the woods,  
3 they disappeared into the woods, according to the testimony, even  
4 before Mr. Yoo leaves the car. And when he returns, according to  
5 one of the Government's own witnesses, he says, "That's the  
6 craziest shit I ever saw."

7 The Government has said multiple times that four people  
8 walk in and three people walk out, okay. I don't know if that's  
9 completely factually accurate because it seems like, perhaps,  
10 even giving them everything, three people walked in, disappeared  
11 into the woods, Mr. Yoo comes out afterwards -- or goes after,  
12 after they had already disappeared and they were out of sight.  
13 But the four people walk in and the three people walk out, which  
14 has been a theme throughout, is certainly not sufficient in our  
15 view under the law.

16 So let's take a look at what mere presence is, and you'll  
17 have this instruction back there. It's intermingled within the  
18 three hours. So merely being present at the scene of a crime or  
19 even having knowledge that a crime is being -- has been committed  
20 is not enough, okay.

21 And this is the difficult emotional part of this case,  
22 because three -- four walked in, three walked out. It's  
23 emotional and horrible. It is. But the law quite clearly -- and  
24 you're duty-bound, no matter how difficult it is, to apply the  
25 law -- states that merely being present at the scene of a crime

1 or even knowing that it's being committed is not sufficient.

2 "The craziest shit I ever saw."

3 Let's talk about Fahad. Remember there's Fahad and Henny  
4 in the cars, in the white car.

5 You heard from Fahad. Fahad said he did not see Young  
6 grab, talk to, or push Brandon White at all. Fahad said he could  
7 not recall any gloves with Young. Fahad is in the car. No  
8 conversations in the car. In fact, Fahad thought, and Young  
9 wasn't part of this at all, that the plan was, according to  
10 Fahad, with whoever he hatched this with, was to beat up Brandon  
11 and then get Percocet and get high at the motel, okay. Fahad  
12 told you that Young was not driving. Young was not giving  
13 directions. There's no conversations about Brandon in the car.  
14 The other car heads out with Brandon. Apparently, Mr. White was  
15 in the car in the company of other people. Young did not.

16 Fahad says, "Oh, man, surprise." He's in on the  
17 conspiracy. There's no reason for him to say that. "Oh, man."  
18 "Oh, shit." Okay. There he is." "Stop." "Yeah." That's not  
19 the evidence, even from the Government's own witnesses.

20 Fahad says he never sees a gun or knife, and that Young  
21 stays in the car until they disappear in the woods, and then  
22 Young runs out of the car. Fahad also told you that when Mr. Yoo  
23 comes back to the car, he has nothing in his hands. He says he  
24 didn't see what happened, Fahad says. Henny and Fahad are  
25 together in the cars.

1           So I think I have something, just a summary of what I just  
2 said about Fahad, basically summarizing what I just told you: No  
3 grabbing, no pushing, no gloves, Young not driving, Young not  
4 giving directions. Other people apparently had hold of  
5 Mr. White, Young did not. He's surprised. He never sees a gun  
6 or knife. Young stays in the car until they disappear into the  
7 woods.

8           And then we have Mr. Aagesen, okay. It's almost as if  
9 Mr. Aagesen and Fahad are in two separate cars because the  
10 stories they tell you are really dramatically different, right.  
11 And they're in a regular car with an open seat, seats in the  
12 front, Fahad's behind the driver, so he can clearly see Mr. Yoo,  
13 who's supposedly in the front passenger seat, okay. So  
14 everything -- don't leave your common sense at the door when you  
15 go through the exit door. It would seem like everything that the  
16 driver, Aagesen, sees, that Fahad would see from the back seat  
17 with Mr. Yoo, essentially, right?

18           And what Henny says is that Henny beat up Young Yoo, first  
19 of all, a while back, and that Young -- and this is the first  
20 taste you see of this. Young had a bad relationship with Peter  
21 Le. You've seen the baseball bat incident. It doesn't look like  
22 Young and Peter Le are in some kind of affiliation together. It  
23 seems like they hate each other.

24           Henny said -- and remember, Henny was driving the car --  
25 that he had no idea what was going on. He's just in the car just

1 like Young, except that he's driving the car.

2 Henny then says Young takes a gun out and cocks it in the  
3 air with a sound, the gun out, in the front passenger seat.  
4 Fahad says nothing about that. It's like they're in two  
5 different worlds.

6 Henny says that Young comes back with a jacket and a gun,  
7 completely different than Fahad who says nothing about that,  
8 okay. And this is proof beyond a reasonable doubt. This is not,  
9 ah, it's an immaterial fact or two witnesses see things  
10 differently. That's a pretty important allegation.

11 Henny does say that the three, whoever they are, are out  
12 of sight when Young leaves the car. Henny also says craziest  
13 shit he ever saw. He says similarly to Fahad, "Oh, shit," "Oh,  
14 man," there's an element of surprise from Young. And, again, you  
15 wouldn't have that element of surprise if you're in on any  
16 conspiracy to kidnap anybody. It's like, "Cool, we're here.  
17 Let's go. I'm out the car." That didn't happen. Didn't happen.

18 Henny, as Ms. Manitta said, kind of looked disinterested  
19 on the stand. "Who gave you this?" I said -- I had to say, "Are  
20 you with me?" Just seemed like -- whatever.

21 And he's also beating up people for no reason at all, and  
22 he's looking for his reduction, which adds a little flair with  
23 the gun.

24 So if we look at Henny, kind of a summary of what I just  
25 told you, Young had a bad relationship with Peter. No plan

1     beforehand, at least he didn't say that to the cops in 2019. He  
2     had no idea what was going on. He's in the car. He's driving.

3             It seems like Henny Aagesen and Fahad tell two completely  
4     different stories of what happened in the car. Fahad doesn't say  
5     anything about a jacket and gun.

6             The three, he does say, similar to Fahad, are already out  
7     of sight when Young leaves the car. Craziest shit he ever saw.  
8     "Surprise." And then you make your own determinations about  
9     Henny's interest in his reduction.

10            So to sum up factually on the kidnapping, it doesn't seem  
11     like Young is even there during any meeting at Peter Le's house,  
12     right, the cell phone records. It seems like Young is surprised  
13     when if it's his debt, his issue, he doesn't want him to testify,  
14     he's got this big debt, he wouldn't be surprised. "Oh, shit."  
15     "Oh, man."

16            Starter himself -- Starter, leader, original homie,  
17     however he portrayed himself, teardrops, kind of a brutal dude,  
18     maybe brutally honest; maybe not, I'll let others deal with that.  
19     But even that brutal dude said that Young indicated to Starter he  
20     didn't want to kidnap -- he, Young, did not want to kidnap  
21     Brandon White; that he, Young, just wanted to pay him. And you  
22     saw that corroborated by the attorney. He said that Young was  
23     weak and a bitch.

24            Young's not in the blue car, and don't leave your common  
25     sense at the door when you walk through it.

1           Everybody had disappeared into the woods, and I think  
2 Starter, at one point, said that Young came out running or  
3 something along those lines.

4           On the murder allegation, it's really a lot of that same  
5 evidence. Clearly reasonable doubt on that. A lot of the same  
6 evidence and arguments that I just said as to the kidnapping.  
7 Young, they can't prove that he did anything beyond a reasonable  
8 doubt, and I'm going to get to the instructions in a second. He  
9 didn't want to do anything. He didn't want him killed. He's not  
10 in a conspiracy to kill him. You look -- you need to look no  
11 further than Starter.

12           A few things real quickly. And then I want to get to  
13 the -- really the meat of the instructions and talk to you about  
14 that.

15           You heard from Mr. Sayf. That was the other gentleman  
16 that apparently was involved in this situation. And as  
17 Ms. Manitta said, it looks like Fahad and Sayf were kind of like,  
18 I don't know, kidnapping experts in a way, right? They -- it's  
19 kind of what they do. I'm going to brush him aside for a second  
20 because he did not see Young do anything. He had no  
21 conversations with Young at all. He had no conversations with  
22 Fahad about Mr. Yoo.

23           "Hey, why are we doing this?

24           "Well, he owes Young Yoo a bunch of money."

25           Fahad never had any conversations with Mr. Yoo about this

1 supposed plan. I don't even think Sayf identified Mr. Yoo as  
2 even being in one of the cars, putting that aside. So no matter  
3 what you believe, really, Young did not inveigle anybody or decoy  
4 anybody. He never spoke to Fahad or Sayf. No conversations at  
5 all with Sayf. Sayf doesn't even see him at the scene.

6 And there's a whole rock of evidence, testimony that  
7 really had nothing to do with Young. You had the house party and  
8 the fight there. And there was a whole rock of witnesses with  
9 nothing to say about Young. We sat there for about three days.  
10 All the South County guys, the weed thing, like, pounds in the  
11 garage, like, all of that stuff that Ms. Manitta basically said  
12 that her client was involved in marijuana, there was none of that  
13 with Mr. Yoo. There was no huge amounts of weed with Mr. Yoo.  
14 There's no search warrants of his house. He's not sitting around  
15 with weed. There's none of that. So you heard two or three days  
16 of testimony about weed dealing that really had nothing to do  
17 with Mr. Yoo. And, of course, any allegation of a firebomb by  
18 anyone has nothing to do with Mr. Yoo. And this is where  
19 individual consideration is super important, as you parse through  
20 and separate everybody.

21 Let's talk for a second about reductions and cooperators.  
22 And you'll see jury instructions in the back about these, but  
23 they all essentially say the same thing. For example, on  
24 immunized witnesses, as counsel have already referred to this and  
25 as the judge has already told you, immunized witnesses, like any



1 other cooperator, is trying to get their ass out of a sling,  
2 right? You have to look at that testimony with greater care and  
3 caution. And they may come in and tell you, "Well, I'm  
4 telling" -- "I've got to tell the truth under an agreement," but  
5 that's not really what the instruction says. The instruction  
6 says you have to look at them with greater care and caution and  
7 really examine their testimony, parse it through, the Henny/Fahad  
8 issue, for example.

9 Same thing with plea agreements. And you'll see in the  
10 instructions that in terms of a motion to reduce sentence, it's  
11 right in the instructions, a motion to reduce somebody's sentence  
12 under Rule 35 or 5K, basically Rule 35, has to be initiated by  
13 the Government. It has to be initiated by the Government. The  
14 judge -- or Judge O'Grady or any federal judge has no power to  
15 reduce that sentence on Rule 35 basis unless and until the  
16 Government opens the door. Okay. It's like looking for a house.  
17 You're there. The lockbox is on the house. Nobody has a key.  
18 Oh, man, can't get in the house. The Government has the lockbox.  
19 Now, the lockbox -- I think you see where I'm going with this --  
20 is really the key to jail. They need to open that lockbox before  
21 the Court or any judge can reduce that sentence. And, in fact,  
22 it's so stated in the instruction that the judge has no power in  
23 that way.

24 And you see some of these examples. You see Brandon  
25 Sobotta. You see Angel Le. You know, you've taken notes on what

1 their reductions are. That's the power of the Government in this  
2 type of situation. And some of these guys are facing a lot of  
3 time. See, Spencer Pak was sentenced to 120 months, and this is  
4 an exhibit that you'll have back in the jury room. Mr. Sayf was  
5 sentenced to 180 months. Fahad was sentenced to 192 months, and  
6 Starter was sentenced to 216 months. They're facing a lot of  
7 time, a lot of time. And for them to come in -- and they're part  
8 of the game. They're not dumb in a lot of ways -- there's  
9 certainly motivation for them to come in and lie in order to cut  
10 their sentence, helping the Government. The time is the  
11 motivation.

12 Just parenthetically, I want to talk about Mr. Gulatt.  
13 Now, Mr. Jenkins has a great deal of attention to detail. He  
14 really does. And his skill set is way different than mine. The  
15 amount of corrects he got are probably unmatched, right, that  
16 I've ever seen.

17 Let me talk about Mr. Gulatt for a second because  
18 Mr. Jenkins forgot a couple of things. He never really touched  
19 Young Yoo at all, but this is kind of an indicator, in a way, of  
20 the power of the Government. Because Mr. Gulatt really got a  
21 free walk, complete free walk, on 70 to 100 pounds of weed. I  
22 think he said he had 11 to 14 misdemeanors but no felonies  
23 because of his free walk.

24 He said -- and I think Rob did a great job in dealing with  
25 his credibility. He's involved in weed and conspiracies,

1 et cetera. He also told you he would never lie to his customers,  
2 but he's lied to the police before to stay out of trouble. And  
3 that's maybe kind of the scenario, right, that, perhaps, is here  
4 with other people.

5 And he also said something that Rob, I think, missed, that  
6 Gulatt's drinking and smoking weed at this party where Steven Le  
7 is stabbed and dies later, okay. So what does Gulatt do? First  
8 of all, he doesn't even know the dude's name who got killed,  
9 okay, and he and I had this, like, staring contest for like a  
10 minute while he was pondering something and he couldn't quite  
11 figure out.

12 As Steven is sitting there in a chair being dragged out,  
13 what does Gulatt do? And this is kind of an indicator of his  
14 proclivities. He continues drinking and smoking at the party. I  
15 mean, why have the party stopped? Okay. This is kind of the  
16 callous nature of Gulatt. He'll throw anybody anywhere.

17 Let me spend just a few minutes on this issue of the debt,  
18 and the Government, in its opening and even during its closing,  
19 talked about this gigantic debt that supposedly Brandon White  
20 owed to the set or Young Yoo or whoever.

21 You heard from Kevin Im. Kevin Im, one of the first  
22 witnesses, he had, like, glasses. He had, like, a blue shirt on.  
23 He stopped hanging out with Young around 2012, 2013. But at some  
24 point, apparently, despite the fact that they haven't hung out  
25 for, you know, now it's nine, ten years, that Young said, "Oh,

1 yeah, Brandon White owed me 20- or \$30,000." Okay. You can go  
2 back and you can look at your notes, but that's what he said, 20-  
3 to \$30,000, which is important for the Government because the  
4 bigger the debt, the bigger the motivation. Let's go. Let's get  
5 'em.

6 Now, we know that that is not true because you heard from  
7 Mr. White himself, and as difficult as that was, you heard from  
8 Mr. White himself at the preliminary hearing. And I urge you to  
9 go back and listen to that transcript. I'm not tasking you with  
10 another thing, but I'll task you with one more thing, go back and  
11 look at -- listen to that testimony.

12 Mr. White himself said when he testified in Fairfax  
13 General District Court, he said any debt owed was from five to  
14 six years before, and it was \$2,000.

15 As Chris said, Mr. Amolsch said in opening, Mr. Yoo,  
16 although he's not this huge weed dealer, looks like a couple of  
17 deals here and there, looks like a smattering of evidence about  
18 weed as it applies to Mr. Yoo, it didn't look like Mr. Yoo was  
19 one that really cared, like really cared. I know there's text  
20 messages and whatnot about a couple of thousand dollars from five  
21 or six years ago. He's throwing money around. He's smoking weed  
22 with money. And I think, with all due respect to the Government,  
23 it's really not credible, if you listen to the transcript, not  
24 some of the baloney thrown out by the Government witnesses, that  
25 a five-year old debt of a couple of thousand dollars, he did

1 anything like he's alleged to have done here.

2 Finally, you've seen Dane Hughes. And Dane Hughes, as  
3 Ms. Cuellar indicated in her closing argument, at one point, he  
4 said that DD, Mr. Nguyen, was a snitch. Again, it makes no sense  
5 if someone is a snitch, that Young is going out of his way to  
6 protect DD. That's kind of not part of the gang lifestyle. It  
7 seems like that this was a personal grudge by DD against  
8 Mr. White.

9 You heard from Mr. Noorishad about the debt. I'm not  
10 going to repeat that. Just listen to the transcript. The nature  
11 of the debt, who the debt was owed to, how big was the debt, how  
12 long ago was the debt, that all really starts in the  
13 cross-examination by Mr. Noorishad when you listen to the tape,  
14 so probably about halfway through.

15 So in our view, ladies and gentlemen, this lack of motive,  
16 really, is backed up by the transcript itself and really  
17 confirmed by Starter, who said that Young didn't want Brandon  
18 White kidnapped, just wanted to pay him. And Starter calls him a  
19 weak bitch.

20 Now, let me talk about these post-events purported  
21 statements, if I could. Let's talk about Spencer Pak. This is  
22 the emotional cell phone guy, right? And I want to clear up one  
23 thing that Ms. Cuellar said in her closing, which was a little  
24 bit off, with all due respect. And she said, "How would Spencer  
25 Bak" -- "Pak know back in February what happened in Richmond?"

1 Remember, please, that Spencer Pak does not say anything  
2 about any statements that he says Young told him until at least  
3 October of 2019, so seven months. There's a lot of opportunity  
4 there for Spencer Pak to gather any information from anybody in  
5 order to say what Young Yoo supposedly said in this private  
6 conversation between just the two of them.

7 Remember, Spencer Pak had a cell phone while he's in jail,  
8 okay. He had a cell phone where he could call out, send  
9 messages. He had access to a phone. And he even contacted  
10 Mr. Yoo on the phone.

11 Who else did he contact? Who else did he talk to? What  
12 other information did he glean from having that access to that  
13 illegal cell phone that apparently another inmate had?

14 He says it's a private conversation. There's nobody  
15 around. And Spencer Pak really doesn't say anything, doesn't say  
16 S-H-I-T, doesn't say anything about anything until seven months  
17 later when he realizes his own butt is in a sling, because he did  
18 all these undercover transactions. Sometimes these important  
19 things happen at the end of the day, and Government counsel put  
20 up that Fairfax detective that went through 11 transactions with  
21 Mr. Pak. Mr. Pak knew he's done, and he needs to make a move to  
22 give the Government something because he's nailed on 11  
23 transactions undercover.

24 And what Mr. Yoo supposedly told Mr. Pak is brutally  
25 inconsistent with what Fahad and Aagesen say, right. So there's

1 three possibilities with regard to Spencer Pak. That Young told  
2 him the truth, right; that Young was puffing or bragging when it  
3 didn't happen that way. Maybe that happened before with Young  
4 bragging about debt or something. That doesn't seem consistent  
5 with what you've seen from Young over the course of this trial,  
6 or it didn't happen at all.

7 And if you look at the possibilities, if you look at the  
8 lens through which you have to look at Spencer Pak's testimony,  
9 you have to look at that with greater care and caution and  
10 really, really examine it.

11 You know Spencer Pak uses other people to keep his hands  
12 off a situation, right, and Government counsel brought in this  
13 detective who talked about, well, he had other people deliver for  
14 him, and people -- we don't even know who they are who came up.  
15 So Spencer Pak knows how to use others to kind of keep himself  
16 out of trouble, in our humble opinion.

17 And Ms. Cuellar said, well, he's crying because he's -- we  
18 saw a couple of criers, right? -- he's crying because of -- he  
19 feels bad about telling the truth. It's hard to tell the truth  
20 about somebody you care about. There's certainly another way to  
21 look at that. He's crying because he's lying about his friend.  
22 Think about common human experience. He's lying, so he's sad.  
23 He's crying.

24 Is he crying because he's telling the truth? Is he crying  
25 because he's telling a lie about Mr. Yoo?

1           And when you make that determination, you're like, "Well,  
2 Salvato, I don't know, 70/30." Right. "I don't know, 80/20."  
3 "I don't know. He looks sad about testifying about his friends,  
4 so it must have been true."

5           Again, go back to that instruction, that you have to look  
6 at their testimony with greater care and caution and really  
7 dissect it.

8           Quickly on Soung Park, Bruce Lee, the other emotional gang  
9 guy. He told you that Young did not move the body; that,  
10 apparently, when Young said anything to Mr. Park, that he was out  
11 of it, he ran away, that Young said, "It was all bad. It's all  
12 bad." He didn't say, "Yeah, I did this, I did that." Just, "It  
13 was just all bad," "Craziest shit I ever saw."

14           And Soung Park says something -- remember Soung Park and  
15 the phone records. We know that's not true about who left  
16 together or apart. He's just trying to group them all together  
17 in our opinion.

18           Soung Park said this: That Mr. Yoo took a knife, gave it  
19 to Soung Park, and Soung Park then took it to a park in  
20 Springfield, I believe he said, Virginia and buried it.

21           Now, Soung Park -- let's look at that with greater care  
22 and scrutiny, right -- couldn't find the knife. I don't know if  
23 this is a once-in-a-lifetime event or what, but he couldn't find  
24 the knife. It seemed like an important thing for him to be able  
25 to find, okay. Maybe that's not a big deal. I think it is, but



1 maybe it's not.

2 But out of all the phone records you saw, you saw them  
3 in -- the guys in Houston, in California -- I forget where  
4 else -- North Carolina, Virginia, everywhere. You saw Soung  
5 Park's phone records. What you never saw was any phone record of  
6 Soung Park, a week after Brandon White is killed, in some park in  
7 Springfield. You never saw that. You can't find it. No proof  
8 that he was actually there. And you've seen phone records  
9 stretching 3,000 miles and months and months' worth of time,  
10 okay. We humbly suggest to you that that just didn't happen.  
11 Greater care and scrutiny. And Soung Park, of course, facing  
12 sentence of 132 months.

13 Quickly on the instructions, if I could, and then I'm  
14 going to sum up.

15 Count 1 is this conspiracy count. You're going to have  
16 these instructions back there. In our view, the Government  
17 cannot prove as to Mr. Yoo that he joined with knowledge of the  
18 conspiracy. You saw the relationship between Peter Le and Young  
19 Yoo. Young Yoo, it seems to us, was always the guy kind of in  
20 this case that was kind of out of the loop of some of the  
21 witnesses.

22 The Government cannot prove that he knowingly agreed that  
23 a conspirator would commit two acts, in our opinion. It just  
24 seems out of the loop in terms of deliberately joining the  
25 conspiracy and others committing acts.

1 Count 3, there's a slide on these. Thanks, Chris.

2 And Ms. Cuellar went over some of this. If you look at  
3 Elements 4 and 5 of Count 3, they have to prove that Mr. Yoo  
4 independently, right, independent consideration, knowingly and  
5 unlawfully committed the murder of Brandon White. You've heard  
6 my argument as to that. It's not there. It's certainly not  
7 there beyond a reasonable doubt.

8 And, 5, that his purpose in doing so was to maintain or  
9 increase his -- their position in the enterprise. There's really  
10 no evidence as to that. There's speculation and inference by  
11 Ms. Cuellar, who did a great job with that element, but there's  
12 really nothing there, certainly not beyond a reasonable doubt.

13 Count 4, it really comes down to mere presence. Mere  
14 presence and knowledge is not enough, and that's basically the  
15 conspiracy, agreement or understanding to unlawfully seize,  
16 inveigle, decoy Mr. White, that he knew the purpose of the  
17 agreement, and that he joined the agreement. Based upon  
18 everything that I've said, cell phone records, the meeting, his  
19 actions there, "crazy shit I ever saw," it seems like the  
20 Government can't prove -- they just can't prove that beyond any  
21 reasonable doubt.

22 Count 5, that the defendant unlawfully and willfully  
23 seized, confined, inveigled, decoyed, et cetera, Mr. White. I  
24 don't think there's any evidence as to that.

25 Count 2, the defendant held Brandon White for ransom,

1 reward, or other benefit or reason. Again, there's no evidence  
2 of that.

3 Now, I know Government counsel, in its rebuttal -- and I  
4 don't have time to cover everything. You might be saying, "Thank  
5 God," right? It's already 10:05. I'm nearing my conclusion  
6 here -- they're going to say, "Well, that's not all the  
7 instructions. You have to look at the definitions," and you do.  
8 And I'm not saying you should look at any one particular  
9 instruction. Read them all, okay? Because I know Mr. Trump or  
10 Ms. Cuellar, whoever is doing the rebuttal is going to say, "Hey,  
11 he didn't tell you about all the instructions." That's very  
12 true. I want you to read them all. I embrace them.

13 Finally, you have aiding and abetting. Aiding and  
14 abetting essentially says -- it's really a mixture of mere  
15 presence and some other elements, but you really have to join  
16 something with the intention, the motivation, the action to make  
17 it happen. And for all the reasons that I've said, they can't  
18 prove aiding and abetting, okay. That is just not there. Under  
19 that instruction, I ask you to read it.

20 Finally, Count 7, as you look at Element No. 3, for much  
21 of the same reasons --

22 If you could blow that up, Chris, I'm sorry, No. 3. My  
23 apologies.

24 While engaged in a narcotic conspiracy, the defendant,  
25 remember individual consideration, either intentionally killed or

1 aided and abetted the killing of Brandon White or commanded,  
2 induced, procured, or caused the killing of Brandon White.  
3 Again, that's just not there as to Mr. Yoo on these facts, even  
4 giving the Government a lot of inferences and consideration.

5 And I think Count 13 might be the last one. Again, read  
6 that for yourself, but I don't think any of those elements are  
7 there, certainly not beyond a reasonable doubt about Mr. Yoo  
8 using a gun or a firearm. Okay.

9 So, to sum up, on the kidnapping, it does not seem like  
10 Young Yoo is even there, even if there was some great  
11 conspiratorial meeting at Peter Le's house. He's surprised when  
12 Mr. White appears. "Oh, shit." "Oh, man." Starter says he  
13 didn't want to kidnap him. He just wanted to pay him. Starter's  
14 testimony, he's not in the blue car. Don't leave your common  
15 sense at the door in a kidnapping case. Disappeared into the  
16 woods, already out of sight, came out running. Government  
17 doesn't allege any gloves on Mr. Yoo, no suspicious clothes, no  
18 dark or mysterious clothing or actions or anything like that.  
19 He's sitting in the passenger seat of a car driven by someone  
20 else that did not contain Brandon White.

21 On the murder allegations -- so that's on the conspiracy  
22 to kidnap. On the murder allegations, clearly reasonable doubt  
23 on that. The same as the kidnapping. He didn't do anything. He  
24 didn't want to do anything. He didn't want him killed. He's not  
25 in a conspiracy to kill him.

1 Now, in the last two minutes, I will just say this:  
2 You've heard three hours of instructions, right. The only thing  
3 that's really not defined is reasonable doubt. No real  
4 definition of reasonable doubt, and it's certainly not all  
5 possible doubt, right. Anything is possible. But it is the  
6 highest standard under our law, the highest absolute -- it's not  
7 suspicion. It's not, "Hey, probably, he was involved." It's not  
8 clear and convincing. It is proof beyond any reasonable doubt.

9 MR. TRUMP: Objection, Your Honor.

10 THE COURT: It's "proof beyond a reasonable doubt."

11 MR. SALVATO: I'm sorry.

12 THE COURT: Not "any."

13 MR. SALVATO: I'm sorry.

14 THE COURT: The instruction is there. Please read it.

15 MR. SALVATO: Yes. I apologize, Your Honor, proof beyond  
16 a reasonable doubt.

17 THE COURT: Thank you.

18 MR. SALVATO: Thank you.

19 And the instructions are there. Follow the instructions.

20 And why do we have a standard that's so high, especially  
21 in an emotional case like this, where we have crazy videos,  
22 presence at the scene, lots of emotion? It's really the very  
23 type of case where an innocent -- not -- perhaps not morally  
24 innocent, not a great-guy innocent, not like "what the hell was  
25 he thinking being around anybody like this" innocent, being

1 involved in any weed or anything like that, but innocent, not  
2 guilty of the kidnapping and murder charges.

3 So this is the part of the case where your power will take  
4 over, okay. And lawyers have an amazing, you know, need to  
5 control things in a lot of ways. But I don't have any more  
6 control. And I know Mr. Trump is going to stand up in his  
7 rebuttal after Mr. Lamborn addresses you or Mr. Brodnax, and he's  
8 going to say -- he's probably going to point, like, if we don't  
9 know who Mr. Yoo is by now -- like, there he is, and he's going  
10 to say we haven't heard all the instructions, and who else will  
11 the Government call? I mean, they can't call nuns to talk about  
12 something like this. They have to rely upon these people, okay.  
13 I know that's what's going to be said, and I want you to think of  
14 what I would say or what the evidence says in response to that,  
15 as the Government has to prove him guilty beyond a reasonable  
16 doubt.

17 And perhaps -- and, again, my heartfelt statements to the  
18 White family, which I said in the beginning and I'll say now,  
19 classy, honorable, and patient people. But perhaps this is a  
20 case where you'll reflect on it, no matter what happens to  
21 anybody else in this case, but you'll say, as to Mr. Yoo, you had  
22 a reasonable doubt when you heard about the informant's  
23 testimony. You had a reasonable doubt when you saw the  
24 difference between Henny and Fahad. You had a reasonable doubt  
25 when you heard all of the testimony in this case. You had a

1 reasonable doubt when you saw the cell phone records. You had a  
2 reasonable doubt when Soung Park couldn't find this supposed  
3 knife or the cell phone records. Don't put them in that  
4 location. Okay.

5 There is plenty of reasonable doubt in this case. And as  
6 difficult and as emotional as it can be for a case like this, I'd  
7 ask you to return the only appropriate verdict in our view,  
8 specifically as to Mr. Yoo, there is a reasonable doubt in this  
9 case on all the charges, and we'd ask you to find him, as  
10 difficult as it may be, not guilty on those charges. And I  
11 really thank you for your time.

12 THE COURT: Thank you, Mr. Salvato.

13 MR. SALVATO: Thank you, Your Honor.

14 Your Honor, I do have a short matter at 10:30. If I could  
15 be excused and then I will return.

16 THE COURT: Certainly, yes, sir.

17 MR. SALVATO: I really appreciate it. Thank you.

18 THE COURT: All right. Mr. Lamborn.

19 **CLOSING ARGUMENT ON BEHALF OF DEFENDANT JOSEPH LAMBORN**

20 THE COURT: Good morning.

21 DEFENDANT LAMBORN: Good morning.

22 Um, first thing I wanted to bring up was the photo the  
23 Government showed you yesterday of me posing with the marijuana.  
24 Please look at that photo carefully because I have no tattoos on  
25 my face, and the Government knows I've had tattoos on my face at

1 least since 2017 at the day of my show, my performance.

2 THE COURT: Mr. Lamborn, you can't testify now about  
3 matters and you can't discuss matters that aren't in the record.  
4 So your job in closing argument --

5 DEFENDANT LAMBORN: Okay.

6 THE COURT: -- is to use the evidence that was presented  
7 through the witness stand. And what you just referenced is not  
8 in evidence, and it cannot be considered.

9 DEFENDANT LAMBORN: But the photo that they showed was in  
10 evidence.

11 THE COURT: If you have a photo from earlier that's in the  
12 record, you can say --

13 DEFENDANT LAMBORN: But the video of my performance was  
14 from 2017.

15 THE COURT: Okay. All right.

16 MR. BRODNAX: Your Honor, excuse me. May we approach,  
17 please?

18 THE COURT: No, I can straighten this out.

19 You -- if you have a photo that's in the record from  
20 2000- -- like, you're talking about the video of your performance  
21 at the show. If that shows that you didn't have tattoos and you  
22 want to highlight that, you may do so, because that's in the  
23 record where -- and later tattoos. So as long as it's in the  
24 record, you can refer to it. I just don't want you to testify  
25 about matters that you may personally know about that aren't in



1 the record, okay?

2 DEFENDANT LAMBORN: So can I -- the photo that the  
3 Government showed yesterday with me posing, well, that's in the  
4 record.

5 THE COURT: That's in the record. You may comment on  
6 that. But you then referenced when you had tattoos and when you  
7 didn't have tattoos --

8 DEFENDANT LAMBORN: Okay. Well --

9 THE COURT: -- as if it was personal knowledge.

10 DEFENDANT LAMBORN: Okay. Well, the performance at the  
11 Ara club --

12 THE COURT: Okay.

13 DEFENDANT LAMBORN: -- the one they were showing videos  
14 of, I had this tattoo (indicating) on my face, and I had the AK  
15 on my face, too.

16 THE COURT: Okay.

17 DEFENDANT LAMBORN: And that was from 2017. But the photo  
18 that they showed posing with the marijuana, that was obviously, I  
19 mean, older than that, but they put that next to messages from  
20 late 2018, you know, misleading you to believe that that was  
21 during that time, which it wasn't. So I just wanted to get that  
22 situated first.

23 Now, this is my first time ever doing this. I never  
24 represented myself in court before, so please just -- I ask the  
25 Government to try to be as patient with me as possible as I argue

1 my case.

2 And I would ask the jury to please take this as seriously  
3 as possible because this is my life, and if there's any  
4 reasonable doubt in your mind, please don't put the decision up  
5 to a coin toss or a majority vote. It has to be unanimous  
6 decision.

7 And so I'm just going to start with me and Starter. You  
8 know, as stated on testimony, me and Kyu Hong, a.k.a. Starter,  
9 we're like brothers. We are the closest out of everybody. And  
10 this is stated by him on cross-examination, so -- he was the  
11 leader, though, you know. He was a general. Everybody knew him  
12 as the general. And he gave orders. He took action. He put in  
13 a lot of work for the gang, you know, and this is known, too.  
14 And he had a great reputation in the gang, and out of everybody,  
15 he was the most feared, had the highest rank in any situation.

16 MR. TRUMP: Objection.

17 DEFENDANT LAMBORN: This is all said on testimony.

18 THE COURT: If Starter said it, you can restate it.

19 DEFENDANT LAMBORN: And there's other testimony saying it,  
20 too.

21 THE COURT: All right. If there's testimony in the record  
22 about this, you can state it.

23 And, ladies and gentlemen, you'll -- your recollection  
24 governs what you recall testimony being, or if you recall it,  
25 that's -- it's your recollection which controls what evidence was

1 in the record, and to the extent Mr. Lamborn may make statements  
2 that you think aren't in the record, you must discount them. If  
3 you think they were in the record, then you can consider them.  
4 So --

5 (Discussion had off the record between attorney and  
6 client.)

7 DEFENDANT LAMBORN: The transcripts reveal that in any  
8 situation, Starter was ready to improvise. For example, like,  
9 when he stated he saw the person named Marty inside the 7-Eleven,  
10 that he believed snitched on him, and he waited outside until he  
11 came out to chase him down and start stabbing him. He also  
12 stated on the record that the reason he did this was because  
13 Marty was a snitch.

14 And he also improvised when he stated on record he robbed  
15 the rapper GoldLink, not knowing he was at home. And once he  
16 found out someone was in the home he was attempting to rob, he  
17 then immediately decided to beat him and grab a TV and start  
18 smashing him over the head with it.

19 So right there, those are two examples of that said by him  
20 on direct.

21 Now, he also stated on direct that he was present at my  
22 performance that night. When the fight ensued with an enemy  
23 gang, an enemy gang member of the Asian drag family shot off into  
24 the air. Starter then decided to aim in that direction and shoot  
25 into the crowd. And this was also stated by him on direct.

1 Now, as multiple conspirators have said, they did not see  
2 me fighting at the show. They did not see me shooting anybody  
3 that night. As a matter of fact, on Starter's cross-examination  
4 and Soung Park's testimony, as well as many other  
5 co-conspirator's testimonies, nobody has ever seen or even heard  
6 of me stabbing, shooting, or even fighting anybody, except  
7 Starter. The only person who said anything about fighting was  
8 Starter, who, of course, me being closest to and us being in a  
9 gang together, is bound to have some type of stories where we  
10 beat somebody up together. I mean, that's just bound to happen.  
11 And I believe he talked about two different occasions. One of  
12 those times, nine years ago; the other time, nine years ago as  
13 well.

14 Now, also keep in mind, he was in Virginia, as he stated,  
15 prior to the killing of Brandon White, and he testified that he  
16 said, "If it was me, I would kill Brandon White."

17 But keep in mind that he himself, who's known me for  
18 14 years, had testified himself saying that I have never stabbed  
19 or shot anybody, and him being closest with me, as he said on  
20 direct, as on cross-examination, would know this, and as he --  
21 and he testified to that as well.

22 So now that brings me to me and my history in the gang. I  
23 mean, honestly, by now, you-all should know almost every witness  
24 that knows me personally knows that I have problems with drugs, a  
25 serious problem, to the point where some homies gave me weed to

1 sell but I never paid them back. And they said that I would  
2 smoke the weed or trade it for harder drugs, showing that I never  
3 really had the intention to pay anything back, to the point where  
4 I would literally end up homeless on the streets, not care about  
5 nobody or anything and disappear for months or even years on end.

6 Multiple witnesses have also testified that I was not at  
7 the Block fight; I was not at the Airbnb where Steven Le was  
8 murdered. And the Government knows that I was not at the fight  
9 in front of the tattoo shop called Way of Ink, and I was not  
10 implicated in any firebombings. Multiple people had testified  
11 that I do not participate in gang fights, I do not participate in  
12 gang jump-ins, which are initiations, and that I duck rep, which  
13 means I constantly -- which means constantly avoiding  
14 confrontation. These are all the Government's witnesses saying  
15 this, my fellow gang members.

16 And most of the witnesses testified that I, soon after or  
17 the next day, fled to Houston to distance myself from the gang  
18 after the shooting at my show. And I was not fighting or  
19 shooting that night as said by many witnesses. Yet, I still  
20 fled.

21 Please remember this detail. Now, the conversation with  
22 Tony Le made on Instagram where I talked about promising to be  
23 more active in the group and do better for the hood and, you  
24 know -- Tony never responded to any of these messages. I don't  
25 remember how many there were that the Government showed you.

1 There were a lot, you know. And why do you think he never  
2 responded? How many times do you think he's heard the same thing  
3 from me before? I mean, how many chances do you think he gave me  
4 to pursue my music and benefit the whole group? How many times  
5 do you think he invested his time and money only for me to end up  
6 on the streets homeless because I'm literally strung out to the  
7 point where I don't even contact anybody for months or years on  
8 end?

9 MR. TRUMP: Objection.

10 THE COURT: Stop.

11 What's the objection?

12 DEFENDANT LAMBORN: This is all the stuff I just talked  
13 about. Months and years on end --

14 MR. TRUMP: Objection.

15 THE COURT: Okay. You don't think it's in the record?

16 DEFENDANT LAMBORN: What's not in the record?

17 THE COURT: Stop, stop.

18 Your comments about --

19 DEFENDANT LAMBORN: I could find it right now.

20 MR. TRUMP: What I'm trying to establish is how many times  
21 he responded to messages like that.

22 THE COURT: Yeah, that's not in the record, Mr. Lamborn.

23 DEFENDANT LAMBORN: Okay. That's true. All right.

24 THE COURT: Okay.

25 DEFENDANT LAMBORN: But multiple people have testified

1 that this is a regular occurrence for me to do this, disappear  
2 for months and years sometimes, so me getting less and less  
3 involved with the gang. I mean, I was addicted to ketamine  
4 during the time of the murder, and this was stated by a couple of  
5 people, me and Cinco as stated in testimony.

6 THE COURT: Well, I don't recall it being stated that way,  
7 Mr. Lamborn.

8 But your recollection recalls -- your recollection  
9 governs.

10 Go ahead.

11 DEFENDANT LAMBORN: Well, Soung Park said that I was doing  
12 ketamine every day with Cinco, and that this was immediately  
13 after I stopped smoking crack. And he also stated on record that  
14 I never stopped doing drugs, and that I immediately went into  
15 doing ketamine with Cinco because Cinco took me in. So --

16 THE COURT: Go ahead.

17 DEFENDANT LAMBORN: And before all that, I was just  
18 homeless, smoking crack cocaine. Immediately hooked on to  
19 another drug, a drug that literally immobilizes you, as Soung  
20 Park explained, sending you into something called the "K-hole."  
21 And he also explained, when you're in the K-hole, you cannot  
22 move. And as said on testimony, Cinco had an infinite supply  
23 because he had an infinite flow of money. So we would do K every  
24 day, as stated on testimony. All day, all night, as also stated  
25 on testimony. It's even in exhibit where me and Cinco is

1 pointing a gun at the plate with lines of ketamine on it  
2 threatening the K to stay away from us.

3 Free drugs, free housing. Why would a heavy drug addict  
4 who -- why would a drug addict like me risk my life and put  
5 myself in this crazy situation that doesn't even fit my  
6 description, first of all, and risk losing this perfect living  
7 situation for somebody he barely knows? To get back in with the  
8 gang, as the Government said, or get back on good terms with the  
9 gang -- this brings me to DD, all right, the person who beat up  
10 Brandon White and the person who Brandon White testified on.

11 There is testimony and photos that I have met DD at my  
12 performance. No other testimony that I met him ever again prior  
13 to my incarceration. I took a flight to Houston the next day, as  
14 said on testimony. Never came back for at least a year and a  
15 half, as said on testimony. When I came back, DD was already  
16 locked up. So this shows that I met this man -- at least the  
17 evidence shows that I met this man one time before this murder  
18 happened.

19 And when I started living with Cinco in D.C. and only  
20 then, yes, I did start to answer phone calls from DD while he was  
21 in Fairfax jail, yes. I've been in that situation before many  
22 times. I know how it feels to be forgotten. But if there was  
23 any evidence on any of those phone calls where I planned on  
24 harming any witness against him, I best believe the Government  
25 would have used this evidence 100 percent.



1 But do you know who used to give DD drugs to sell on the  
2 streets as stated in testimony? The general, Starter. So you  
3 can infer that he saw him on a regular basis. But the Government  
4 believes that me, somebody who hates and avoids situations like  
5 this, who is an original RT member and doesn't have to prove  
6 anything to nobody, who has been had his stripes since he was  
7 13 years old, who doesn't care about anybody or anything to the  
8 point of homelessness when he's on drugs, who at the time was on  
9 drugs, and he met this man DD one time in person, and the  
10 Government believes that I killed somebody for this man?

11 And when I said, "Your boy got stripes now," as the  
12 Government showed in the exhibit, the conversation with Panda on  
13 Instagram, I never said I got stripes.

14 MR. TRUMP: Your Honor, objection.

15 THE COURT: Yeah, you're testifying now.

16 DEFENDANT LAMBORN: Okay. So it didn't say on the  
17 messages, "I got stripes." That wouldn't make any sense because  
18 I've been an official member since I was 13, which the Government  
19 knows. And now think about that phrase.

20 The Government showed another exhibit, somebody talking to  
21 DD on Instagram, and it said, "You can get put on into the  
22 prospect group, Club Tiger, and when you earn your stripes, you  
23 can be recognized as a real T." That's what earning your stripes  
24 means.

25 Now, think about that phrase. I said -- or it was said

1 that I said, "Your boy got stripes." Who, as the Government  
2 knows, out of everybody that went down to Richmond, who was the  
3 only person who went down to Richmond who didn't have his stripes  
4 yet? I been had my stripes. Who is the only Club T member who  
5 admitted to going down to Richmond that night? This is stated on  
6 testimony, Fahad Abdulkadir. So who got his stripes that night?

7 And then Fahad and his cousin, Abdullah Sayf, they both  
8 just happened to have seen the AK-47 on this man's face who got  
9 out of the blue car, but they both stated there was a hoody on  
10 this man's head. But somehow they saw the tattoo on the side of  
11 this man's head when clearly they said he had a hoody on the  
12 whole time. Fahad stated he saw no other tattoos on his face,  
13 but he also stated he saw his face clearly, but he didn't see any  
14 other tattoos on the front of this man's face. But he saw the  
15 tattoo on the side of this man's head, which happens to be the  
16 only tattoo that's very specific to me.

17 Now, I don't know if you guys remember, but there was an  
18 exhibit where they showed me pointing a gun at the screen with a  
19 laser beam on it. That's what I look like with a hoody on my  
20 head. I want you to go back and look at that exhibit and tell me  
21 what tattoos you can see and tell me what tattoos you can't see,  
22 because if you can see the AK-47 on my head in that video, then  
23 you must got x-ray vision, because you can't see it.

24 Now, the phone pings, the FBI agent who did the CAST  
25 report of all our phone pings that night also stated that just

1 because a phone pings somewhere at a certain location does not  
2 mean that the owner of that phone is at that location, which  
3 means this: If I leave my phone in my car and you drive all the  
4 way to California, my phone will ping all the way in California,  
5 but this does not mean that I, myself, was in California, vise  
6 versa. If I left my phone at home in Texas and went all the way  
7 to New York to go kill somebody, my phone would ping at home in  
8 Texas, and they would not know that I was in New York killing  
9 somebody.

10 Now, who's the person that the evidence shows I gave my  
11 keys to? It was Henny, Kevin Aagesen, the driver of the white  
12 car.

13 Now, on the way to Richmond, in Richmond, and on the way  
14 back, his phone records are unmapped. They're unmappable. And  
15 for whatever reason, I don't know, but that's what it says in the  
16 CAST report. And in the video, the only part of this alleged  
17 kidnapping caught on video, it shows Fahad moving around a little  
18 bit, and a couple of seconds later, the white car zooming out the  
19 shopping center first. But then how would Henny know where to go  
20 with his phone turned off the whole time? The Government  
21 believes that somewhere on the highway on the way down to  
22 Richmond, the cars switched places. And there's no footage of  
23 this, but there is testimony from Henny himself and from Fahad  
24 Abdulkadir, the only person other than his cousin Sayf, who is on  
25 video with Brandon White, who is on video kidnapping Brandon

1 White, who was in the car with Henny who just so happens to be  
2 the only person testifying that this happened as well.

3 And just so it's clear, the evidence does not show that I  
4 left my phone in my car, but there is also no evidence that  
5 proves the contrary.

6 And also, as the witness Soung Park testified, that during  
7 my living situation with Cinco, who I was living with on  
8 January 31st, I was high off a lot, a lot of ketamine every day,  
9 all day, all night, including the night I gave Henny my car keys.

10 Now, back to Starter. Everybody remembers when he  
11 testified --

12 THE COURT: Your recollection will recall about any  
13 testimony about anyone giving somebody a car.

14 Go ahead.

15 DEFENDANT LAMBORN: Kevin Aagesen said that on his  
16 testimony, that I gave him my car keys.

17 THE COURT: Okay.

18 MR. TRUMP: Your Honor, the objection was there was no  
19 testimony or evidence that he was somewhere anywhere  
20 {unintelligible}.

21 DEFENDANT LAMBORN: There is evidence that --

22 THE COURT: All right.

23 DEFENDANT LAMBORN: -- somebody said that I was getting  
24 high every single day, all day, all night, so --

25 THE COURT: Okay.

1 DEFENDANT LAMBORN: -- while I was living with Cinco. And  
2 during that time, there is evidence that I was living with Cinco  
3 during that time at that Airbnb.

4 So, now, back to Starter. Everybody remembers when he  
5 testified last week, he gave very extensive gang knowledge that  
6 day on my cross-examination. And I did a lot of things on  
7 purpose. See, we explained in detail what we knew were gang  
8 tattoos, but I pulled it out of him. I was really doing it for  
9 you, the jury. Let's be real, we live in two different  
10 completely worlds, you know, and that's the very reason why I did  
11 that, because it was like a gang lesson.

12 And in this lesson, Starter testified that out of  
13 everybody in this room, me and him had been gang members the  
14 longest. Me an original and him --

15 THE COURT: I'm sorry, one of our defendants needs to use  
16 the restroom.

17 DEFENDANT LAMBORN: Okay.

18 THE COURT: And so --

19 DEFENDANT LAMBORN: I'll -- we can pause.

20 THE COURT: Yeah. Let's take ten minutes or let's take --  
21 How much more do you have, Mr. Lamborn?

22 DEFENDANT LAMBORN: Uh, I'm more than halfway done.

23 THE COURT: Okay. All right. Let's take 15 minutes, and  
24 then we'll come back and hopefully complete the final arguments.

25 All right. You're in recess. Thank you.

1 (Jury out at 10:40 a.m.)

2 THE COURT: Please go ahead, take him.

3 Mr. Lamborn, if you will tie the statements that you're  
4 making to a witness, then it will make it easier --

5 DEFENDANT LAMBORN: Okay.

6 THE COURT: -- for the jury to understand that that's  
7 coming from somebody's --

8 DEFENDANT LAMBORN: {Unintelligible.}

9 THE COURT: -- testimony, right?

10 DEFENDANT LAMBORN: Okay. I got you, Your Honor.

11 THE COURT: All right. Anything before we break?

12 All right. Then we're in recess.

13 (Thereupon, a recess in the proceedings occurred from  
14 10:41 a.m. until 10:58 a.m.)

15 THE COURT: All right. Any preliminary matters?

16 All right. Let's get our jury, Ira, please.

17 (Jury in at 10:58 a.m.)

18 THE COURT: Please have a seat.

19 Please continue, Mr. Lamborn.

20 DEFENDANT LAMBORN: Thank you, Your Honor.

21 Now, I'm going to rewind a little bit. Back to Starter.  
22 Everybody remembers when he testified last week, he gave  
23 extensive gang knowledge that I'm pretty sure you guys knew  
24 nothing about before, and, you know, I asked him certain  
25 questions on purpose, you know. I got him to explain in detail

1 what he knew of gang tattoos, and I was really doing it for you,  
2 you know, because, like I said, we live in completely different  
3 worlds, so that's the very reason why I brought that out of him.  
4 It was like a gang lesson.

5 And in this lesson, Starter testified that out of  
6 everybody in this room, me and him have been gang members the  
7 longest. Me an original and him a high-ranking original. And he  
8 testified that we have extensive gang knowledge about gang laws  
9 and tattoo protocols. This happened to show that we don't make  
10 mistakes. We're too experienced for that. This was to show that  
11 members like us can't make mistakes, well, as far as tattoos,  
12 because I've made a lot of mistakes. In testimony, people have  
13 said that I've made endless mistakes all the time. But as far as  
14 tattoos, we never make mistakes. And he made my point by  
15 testifying to what we can and cannot get tattooed on our bodies  
16 and how Tigers will never get a dragon anywhere on their body or  
17 how a West Side Asian boy will never get a Tiger tattoo on their  
18 body, and he also said that there will be consequences behind  
19 that.

20 Now, when he was asked by the Government why he had two  
21 teardrop tattoos, he initially testified saying he got it for  
22 intimidation. When asked why by the Government, he then  
23 testified to move higher up in the gang.

24 Let's break that answer down real quick. It's already a  
25 known fact Starter, as stated in many testimonies, was the most

1 feared, was ruthless, and that was already a known fact, so the  
2 intimidation answer didn't really make any sense.

3 And then he testified he was trying to move higher up in  
4 the gang when, as well as said in earlier testimony, he's the  
5 highest-ranking member in the gang, right next to Richard Pak.  
6 So that answer did not make any sense.

7 And then you also remember that the Government asked  
8 Mr. Starter, "Are your teardrops clear?" And he said yes. And  
9 I'm sure the Government sat down with Mr. Hong and looked at his  
10 teardrop tattoos because they've interviewed him and asked about  
11 these teardrop tattoos. So why didn't the Government correct him  
12 when he said he had two teardrop tattoos? Well, it doesn't  
13 matter because I -- we put his face on the screen so everybody  
14 could see the truth.

15 Starter then testified to say he did have two filled-in  
16 teardrop tattoos, and then he testified to say my teardrop is not  
17 filled in. He also testified that each teardrop filled in means  
18 a body or a murder. So five teardrops filled in means five  
19 killings. Three teardrops filled in means three killings.

20 Now, when I asked all these questions, they were for you,  
21 the jury, to show you that he cannot fool me. He cannot lie to  
22 another gang member who knows the same amount of gang knowledge,  
23 if not more. But, like I said earlier, I'm not here to sugarcoat  
24 nothing. I'm giving it to you raw. And this is why when I asked  
25 him the same question that Mr. Trump asked him, "Why did you get



1 these two teardrop tattoos on your face?" he smiled because he  
2 knew I got him, and he answered, "Just because."

3 This is just a metaphor, tattoos to gang members is like  
4 DNA. We never make mistakes.

5 MR. TRUMP: Your Honor --

6 DEFENDANT LAMBORN: I'm moving on, Your Honor.

7 THE COURT: All right. Disregard the last statement,  
8 please, which wasn't in evidence.

9 DEFENDANT LAMBORN: Which also, if you remember, he  
10 testified that he would not let me get a tattoo of something I'm  
11 not supposed to get, which means if I did not earn a filled-in  
12 teardrop tattoo, I cannot wear one on my face. And these  
13 teardrop tattoos that he testified he paid for, that we got in  
14 the same tattoo shop after the killing of Brandon White.

15 So I just really want you to think about this, please,  
16 because this is all I got. This is my defense. I -- this is  
17 very, very important, man. This is the key fact.

18 Now, you also heard Starter testify, talking about these  
19 blueprints. And he testified that the blueprints was a plan for  
20 me to take the blame for him.

21 MR. TRUMP: Objection, Your Honor.

22 THE COURT: Sustained.

23 DEFENDANT LAMBORN: Why?

24 THE COURT: There wasn't testimony.

25 DEFENDANT LAMBORN: I asked him the exact question, "Was

1 the blueprints a plan for me to take the blame for you?" It's in  
2 the transcripts, Your Honor, I can show you.

3 THE COURT: You did ask that question. You may answer  
4 that, but then I believe that was all of his testimony.

5 DEFENDANT LAMBORN: But how am I supposed to --

6 MR. TRUMP: Your Honor, the question was not  
7 {indiscernible} --

8 THE COURT: Come to the side bench.

9 (Following sidebar discussion had on the record:)

10 THE COURT: Is this the transcript?

11 DEFENDANT LAMBORN: Yes. This is the -- by defendant, me,  
12 or -- and right here, we talk about being in the jail together.

13 MR. TRUMP: It doesn't say taking the blame for the  
14 murder.

15 DEFENDANT LAMBORN: It don't -- I never said that.

16 MS. CUELLAR: You did say that.

17 DEFENDANT LAMBORN: I said take the blame for him. I did  
18 not say that. I was very specific because I knew my lawyer told  
19 me that I cannot say for the murder because I never said it in  
20 cross-examination. I never said that.

21 THE COURT: You can repeat the statements that he made,  
22 and then you can ask -- "I asked him this and he said that,"  
23 okay?

24 DEFENDANT LAMBORN: Okay.

25 THE COURT: Is that good?

1 (Sidebar discussion concluded.)

2 THE COURT: Go ahead, Mr. Lamborn.

3 DEFENDANT LAMBORN: Like I said, I asked him during  
4 cross-examination: "We used to talk almost every day, correct?"

5 He said, "Yes."

6 And I asked him, "Do you remember these so-called  
7 blueprints that we talked about?"

8 He said, "Yes."

9 And I said, "And you were part of these blueprints?"

10 And he said, "Yes."

11 And I said, "This was still under the third superseding  
12 indictment prior to the murder charges, correct?"

13 And he said, "Yes."

14 I said, "Do you remember you told me that you would  
15 compensate me \$30,000 because I was going to take the blame for  
16 you, correct?"

17 And he said, "Yes."

18 And I said, "Thank you for telling me the truth," because  
19 at that moment, I was genuinely thankful.

20 He also said -- oh, let me say this while I'm here. He  
21 also said -- I also asked him, "Did I ever stab anybody because  
22 they were a snitch?"

23 He said, "No."

24 Court's indulgence, Your Honor.

25 THE COURT: Yes, sir.

1 (Discussion had off the record between attorney and  
2 client.)

3 DEFENDANT LAMBORN: I said, "Did I ever stab anybody  
4 because they were a snitch?"

5 And he said, "No."

6 I said, "Prior to these alleged murder, did I ever shoot  
7 anybody for being a snitch?"

8 He said, "No."

9 And then I asked, "As a matter of fact, have I ever  
10 stabbed or shot anybody prior to this incarceration at all?"

11 And he said, "No."

12 And, now -- and Brandon White -- the murder of Brandon  
13 White was three months prior to my incarceration.

14 And I said, "You know everything about me, correct?"

15 And he said, "Yes."

16 "So you would know something like that, correct?"

17 And he said, "Right."

18 And you already know everything else I said earlier.

19 Now, when he testified and said that the blueprints was a  
20 plan for me to take the blame for him, he didn't say "for us."  
21 He didn't say what we did. He said for him. Now, what does this  
22 mean? If I say I will take the blame for you, that means that I  
23 will take the blame and say I did something that you really did,  
24 right? I didn't say, "You can tell on me about moving the body."  
25 No. Then I would say, "You can tell on me." I said I will take

1 the blame for you.

2 Please pay attention because this is one more thing that  
3 will be a key factor.

4 Now, Starter, also, at the same time, testified that he  
5 was going to pay me \$30,000 to do this. As soon as he answered,  
6 I said, "Thank you."

7 Also, keep in mind my confessions that the evidence shows  
8 I confessed to Soung Park and Kyu Hong, who the Government  
9 mentioned earlier, but also keep in mind that Soung Park, as he  
10 testified, was in Alexandria Detention Center with me from  
11 December to -- 2019 to January 2020, and this was said in Soung  
12 Park's testimony.

13 And keep in mind he also acknowledged that there were  
14 blueprints that me and Starter created. And keep in mind that he  
15 cooperated with the Government two months after this  
16 conversation, and Kyu Hong as well.

17 I don't have much, but those are all the key points that I  
18 have for you. So I end with this: Yes, I did move Brandon  
19 White's body, and I will take full responsibility. And this is  
20 why I got that tattoo, the gravediggers tattoo.

21 MR. TRUMP: Your Honor, that's testimony.

22 THE COURT: Strike the last statement that he made. It's  
23 not in evidence in the record.

24 DEFENDANT LAMBORN: The Government is right, we can't  
25 bring Brandon White back, and we do need justice for Brandon

1 White, but convicting me for this murder will not bring justice.

2 When Starter got up on the stand, he lied about his  
3 filled-in teardrops. And then he admitted to it, and then he  
4 admitted that each filled-in teardrop means one murder. Let me  
5 rewind it because you -- I don't think -- Starter got up on the  
6 stand. He lied to Mr. Trump about his teardrops not being filled  
7 in. Then he admitted to it when I cross-examined him. And then  
8 he admitted that each filled-in teardrop means a single murder,  
9 and he has two of these, and as he said, that indicates two  
10 separate murders, and he got this after the killing, and this is  
11 the man that the Government is protecting. This is the man that  
12 the Government has a deal with. This is the man coming home in a  
13 couple of years. He admitted to everything on the stand, but the  
14 only thing he cannot admit to without getting prosecuted for is  
15 murder.

16 I don't want to take the blame anymore. My life is worth  
17 more than \$30,000. Thank you for your time. Please take  
18 everything I said into consideration.

19 THE COURT: Okay. Thank you, Mr. Lamborn.

20 DEFENDANT LAMBORN: Thank you, Your Honor.

21 THE COURT: All right. Rebuttal, Mr. Trump.

22 **FINAL CLOSING ARGUMENT ON BEHALF OF THE GOVERNMENT**

23 MR. TRUMP: One moment, Your Honor.

24 I thought you were done. I'm sorry.

25 I sometimes like to have a visual image when I'm thinking

1 about a problem. You've probably heard the expression, "Think  
2 outside the box." It's usually reserved for a problem which  
3 requires imagination, creativity. The instructions you heard  
4 from the Court are just the opposite. You were instructed to  
5 think inside the box, to not stray.

6 In that box, there are three things. There's the law  
7 given to you by the Court; there are the facts, and it's your  
8 collective wisdom and judgment. Those are the three things in  
9 the box. And I suggest to you, what you've heard from Defense  
10 counsel and from the defendant strays far outside that box. I'm  
11 not going to be able to address everything that they raised.  
12 When you go back in that room, think about your box. Think about  
13 what's in the box, the law, the facts, and your collective wisdom  
14 and judgment, your common sense, your individual common sense and  
15 your collective common sense. That's all, and you can't stray.

16 One of the things that is somewhat lost in the arguments  
17 of counsel is that the law recognizes conspiracy, aiding and  
18 abetting. In other words, the law recognizes that what is  
19 accomplished in terms of criminal behavior, it's a lot more  
20 successful when two, three, four people act together than a  
21 single person acting alone. It recognizes the fact that, think  
22 of it, you can't go out and grow marijuana somewhere, harvest it,  
23 get it in a box, ship it across country, distribute it, collect  
24 the money all by yourself. It requires joint action. It  
25 requires collective action. That's what this enterprise was all

1 about. That's why there was a Club Tiger, a Reccless Tigers, a  
2 Tiger Side, an Asian Boyz. That's why there were associates of  
3 the enterprise, the Jonathan Kenneys of the world, because  
4 collective action is more successful, and the law takes that into  
5 account.

6 The old adage is, in for a penny, in for a pound. That's  
7 the law given to you by the Court, and that's what applies to the  
8 conspiracy counts, the racketeering conspiracy, the kidnapping  
9 conspiracy, the drug conspiracy. That is why it also applies to  
10 the substantive counts, particularly the firebombings and the  
11 murders for the instruction of aiding and abetting. That's  
12 what's in your box.

13 Now, I want to correct a few things that counsel for Tony  
14 Le said. He wants you to think that Tony Le was this independent  
15 businessman sitting in California, sending packages, and that was  
16 it. And that was not the testimony. Over and over again, he  
17 says, "Oh, he was a member of Asian Boyz, and it had nothing to  
18 do with Club Tiger, Reccless Tigers, Tiger Side." That was not  
19 what the witnesses said.

20 Starter, Mr. Hong, testified that Tony Le was a member of  
21 the Reccless Tigers. He said that at some point when he returned  
22 to California, he became an Asian Boyz. He also said that Tiger  
23 Side was a creation of Richard Pak and Tony Le with Richard Pak  
24 taking Reccless Tigers and Tony Le taking Tiger Side.

25 Soung Park was asked if he knew any of the members of



1 Reccless Tigers, and he responded Tony, Panda, and a few others.  
2 There was a break, and after the break, he was asked again, "Do  
3 you know who is a Reccless Tigers?" And he responded Tony,  
4 Panda, Trigga, Teddy.

5 Soung Park, Bruce Lee, also testified that Tony told him  
6 that he wanted, he, Tony, wanted to start a little group, an  
7 initiation group for the Reccless Tigers. That became Club  
8 Tiger. Later, in California, Tony Le explained to Soung Park  
9 Tiger Side, and he wanted him to join Tiger Side.

10 Tasneef, Tasneef Chowdhury, you probably have forgotten  
11 about him. He was the guy who went to the farm and helped run  
12 the farm for Tony Le. He was asked who was in Reccless Tigers  
13 back when he was getting marijuana from Tony Le, marijuana in  
14 Virginia. He responded Tony, Starter, Panda, Daniel. He later  
15 testified that he was jumped into Tiger Side at Tony Le's house  
16 in Fredericksburg by YG, Young Yoo, Henny, and others. He also  
17 testified that Tiger Side was created by Tony Le.

18 Kevin Aagesen testified that Tony Le was in charge of  
19 Tiger Side. Kevin Aagesen was jumped into Tiger Side by Wolf,  
20 Tony Le, Cinco, Panda, and Black, and there's a video of that in  
21 evidence.

22 Antoine Gulatt considered Tony Le the leader of Reckless  
23 Tigers. Why? Gulatt said that Tony Le was the only one, the  
24 only one who didn't have to pay anyone. He was the one with the  
25 most money.

1           Spencer Pak described Tiger Side as just another part of  
2 the gang, and Tony Le became the leader of Tiger Side, and  
3 Richard Pak remained with the Reccless Tigers. Spencer Pak said  
4 the reason for Tiger Side was for more money and more drugs.

5           Tyler Le testified that Tony Le was not only a member  
6 of -- but a leader of the Reccless Tigers. On cross-examination,  
7 again, by counsel for Tony Le, he was asked whether it was his  
8 testimony that a member of the Asian Boyz could also be a leader  
9 of the Reccless Tigers, and Tony Le said -- and Tyler Le said  
10 that is correct, twice. Tyler Le also said that Tony Le became a  
11 member of Tiger Side along with Tas, Peter, and YG. He also said  
12 he had been recruited into Club Tiger by Tony Le.

13           Kevin Im testified that the OGs, the original gangsters,  
14 for the Reccless Tigers, which he defined as the leaders, were  
15 Richard Pak, Joseph Lamborn, and Tony Le. And then he was -- a  
16 question was put to him, "As far as you know, Tony Le was the  
17 leader of the Reccless Tigers?" on cross-examination, and he  
18 responded yes.

19           Ha Lim Chung, he testified that he and Richard Pak were  
20 the ones who came up with the name for Reccless Tigers. And he  
21 said the Reccless Tigers were affiliated with the Asian Boyz.  
22 And he said that Tony Le was a member of both Reccless Tigers and  
23 ABZ. But when counsel for Tony Le pressed him and he confronted  
24 him on cross-examination suggesting that Tony Le's only  
25 affiliation was with ABZ, he said no. No. He said Tony Le was

1 affiliated with both ABZ and the Reccless Tigers.

2 And then on redirect, he was asked, "So as far as you  
3 know, Tony Le, Sneaks, was a member of the Reccless Tigers?"

4 And Chung said, "Correct."

5 I say all this not because -- I say this because the  
6 indictment in the case, a portion of which the judge read to you,  
7 says the Reccless Tigers had a close relationship with the Asian  
8 Boyz, and that is true. It also developed affiliated entities,  
9 Club Tiger and Tiger Side, and Tony Le was the one who created  
10 those affiliated entities.

11 And we showed you a number of videos and photographs  
12 showing Tony Le flashing Tiger gang signs and other videos and  
13 photographs in which there are multiple signs being used, Tiger  
14 Side and Asian Boyz.

15 The fact is, there was a symbiotic and harmonious  
16 relationship between all of these various entities, Club Tiger,  
17 Reccless Tigers, Tiger Side, and West Side Asian Boyz. They're  
18 all part of the enterprise.

19 But what counsel didn't tell you is that for Count 1, that  
20 doesn't matter. Because for Count 1, it's a conspiracy charge,  
21 and you must determine whether an enterprise existed as described  
22 in the indictment, which it is, but you don't have to determine  
23 whether Tony Le or anybody else charged in Count 1 was a member  
24 of the enterprise. You must, however, determine whether Tony Le  
25 conspired to commit at least two racketeering acts or he,

1 himself, committed such acts.

2 Now, Tony Le admitted to hundreds and hundreds of pounds  
3 of marijuana, but he wasn't an independent businessman. His  
4 participation in the overall conspiracy, both in terms of the  
5 RICO enterprise and the drug conspiracy, was far more expensive.

6 First, the farm. There's no dispute that Tony Le invested  
7 in and helped manage the farm. That, by itself, is a separate  
8 violation of Title 21, Section 841, to manufacture marijuana  
9 plants. That's the terminology in the statute, and you have an  
10 instruction that manufacture means growing and cultivation. That  
11 is a separate crime, a separate racketeering act.

12 Every time Tony Le directed Tyler Le to store cocaine or  
13 to store marijuana and then deliver it to a customer, those are  
14 separate Title 21, 841 acts. Each delivery of drugs to Tyler Le  
15 by someone on behalf of Tony Le, such as Sosa and others, are  
16 separate racketeering acts.

17 And according to Spencer Pak, Tony Le supplied Young Yoo,  
18 and Young Yoo had a 30,000-dollar debt. And why is that debt  
19 important? Because when you front drugs, you're creating a  
20 contractual relationship, a conspiratorial relationship. There's  
21 no independent buyer-seller relationship. Fronting drugs is  
22 classic evidence of a conspiratorial relationship.

23 Spencer Pak also testified that from time to time, he had  
24 been supplied by Tony Le. And according to Angel and confirmed  
25 by Tony Le when he testified, Tony Le supplied Peter Le again and

1 again and again, and Peter Le owed Tony Le money for the  
2 marijuana.

3 And Peter Le and Angel Le structured deposits into banks,  
4 Wells Fargo, for Tony Le. Again, separate structuring acts,  
5 predicate acts, multiple predicate acts.

6 According to Soung Park, Tony Le directed him to make  
7 structured deposits. Again, separate racketeering acts.

8 Tony Le was the drug source for Tasneef Chowdhury. Tyler  
9 Le, Panda, Sosa, all dropped off marijuana for Tony Le. Tony Le  
10 asked Tasneef to make deposits to the Korean bank Hanmi and the  
11 Bank of America.

12 All 9,000 -- \$9900, gathered money from people in  
13 Virginia, make deposits, and deliver to Tony in California.  
14 Again, all of those are separate racketeering predicates.

15 When Tyler Le made it to California, he was asked to make  
16 deliveries for Tony Le, 15 to 20 pounds, in duffel bags, back to  
17 Tony Le's house, which were then shipped to Virginia. Again,  
18 separate racketeering acts.

19 And don't forget, there's an ITAR count, 1952, the use of  
20 interstate facilities to facilitate drug trafficking, separate  
21 from Title 21. So every time those drugs moved across country,  
22 it's a separate racketeering predicate act.

23 Again, don't be confused by the labels, the labels of  
24 whether it's West Side Asian Boyz, Tiger Side, Reccless Tigers.  
25 It's all part of the same enterprise. Look at Wolf, Sascha

1 Carlisle, Sosa, admittedly a West Side Asian Boy, but he's here  
2 in Virginia as a salaried employee of Peter Le. It's a  
3 harmonious relationship among all these different entities.  
4 That's the way the indictment was charged, and that's what the  
5 evidence proves.

6 The law of conspiracy and concerted action comes into play  
7 with respect to the drug count, too. I don't think there's any  
8 debate that all four defendants were involved in a drug  
9 conspiracy. What they contend, however, is the amount of drugs  
10 that they were responsible for, and you will have a special  
11 verdict form that goes through that process, and I want to  
12 discuss with you how that can be done.

13 The drug evidence was extensive. Ha Lim Chung testified  
14 that he obtained cocaine from Young Yoo. He obtained marijuana  
15 from Young Yoo.

16 Kevin Im, Young Yoo was supplying him with marijuana.  
17 Richard Pak was supplying Young Yoo with marijuana, which he was  
18 then selling. Kevin Im said he got cocaine from Young Yoo. He  
19 said that Joseph Lamborn was getting marijuana from Richard, and  
20 that Lamborn had gone into debt to Richard Pak. He said he  
21 wasn't a good drug dealer. He didn't say he wasn't a drug  
22 dealer. He said he wasn't a very good one.

23 Kevin Park, Young Yoo supplied him with marijuana. He  
24 also supplied him with Xanax, Ecstasy. He said he saw boxes of  
25 marijuana at his house. He said he had lots of cash, and you saw

1 a video in which he does have lots of cash.

2 Tyler Le picked up money, drugs for Tony, but he also  
3 picked up from other Reccless Tiger members, including Young Yoo,  
4 Richard Pak, David Nguyen, Johnny Ngo. He deposited money for  
5 Tony, of course, and he also testified about cocaine.

6 Obviously, the evidence about Peter Le and drugs is quite  
7 extensive. I'm not going to go through each of the witnesses,  
8 Rabbit, Sully, Dark, Paxton.

9 So, when you go through the verdict form, you'll see that  
10 you have to check a box as to which drugs are involved in the  
11 conspiracy because the conspiracy alleges multiple drugs. But  
12 you also must determine drug quantity. And how do you do that?

13 The standard is not what each defendant did himself, and  
14 you have an instruction on this. It's not what they put their  
15 hands on and distributed. The standard is what was involved in  
16 the conspiracy and how much was reasonably foreseeable to each  
17 defendant.

18 Tony Le protests, for example, that he should not be held  
19 accountable for cocaine.

20 Tyler Le testified that he received and delivered  
21 one-half kilogram of cocaine for Tony Le for about six to  
22 eight months. In fact, it was his cocaine that caused him to get  
23 into debt to Tony Le because he was using it. He testified that  
24 he got into an 18,000-dollar debt to Tony Le because he was using  
25 the cocaine that Tony Le was supplying him.

1 Antoine Gulatt said something interesting. At the very  
2 first party, the very first party that he attended for the  
3 Reccless Tigers, he had a conversation with Johnny Ngo and Tony  
4 Le about what it meant to be in Club Tiger and what the gang was  
5 all about. And he said, at that first party, he realized they  
6 were able to supply a lot of drugs. And what did he say?  
7 Marijuana and cocaine. Marijuana and cocaine, and there were a  
8 lot of people using cocaine at that party, reasonably  
9 foreseeable. Antoine Gulatt, the first time he's at a social  
10 function with Reccless Tigers, it's foreseeable to him that  
11 they're selling cocaine.

12 Brandon Sobotta testified about distributing cocaine,  
13 cocaine that he got from Richard Pak, and he was also a heavy  
14 user.

15 As I mentioned, Ha Lim Chung obtained cocaine from Young  
16 Yoo. Kevin Im also got cocaine from Young Yoo.

17 Kevin Park got cocaine from Spencer Pak.

18 Peter Le and Dane Hughes obtained 10 ounces of cocaine  
19 from Soung Park prior to the deal with Rolando De Paz.

20 Aagesen testified that he knew that other gang members  
21 were getting cocaine, and, of course, Richard and Spencer Pak  
22 were selling cocaine that they got from Starter, Hong, and was  
23 being distributed by Soung Park and Pai.

24 The distribution of cocaine -- and, of course, the amounts  
25 that Starter and Soung Park and Pai were involved in were far



1 greater than 5 kilograms, which is what you'll have to decide.

2 There was no secret about cocaine.

3 Marijuana, of course, was the most profitable drug, to be  
4 sure.

5 But Tony Le distributed cocaine. The other gang members  
6 distributed cocaine, and it was certainly foreseeable that these  
7 other gang members and the gang were distributing in excess of  
8 5 kilograms of cocaine between 2011 and 2019.

9 The farm, 1,000 marijuana plants. Obviously, Tony Le is  
10 responsible for 1,000 marijuana plants. Peter Le was at the  
11 farm, he's responsible for 1,000 marijuana plants. Young Yoo was  
12 at the farm, he's responsible for 1,000 marijuana plants. Every  
13 gang member knew about the farm. Now, Joseph Lamborn wasn't  
14 there, but everybody knew about the farm. Tony Le even said they  
15 advertised it to the world. So, yes, Joseph Lamborn is also  
16 responsible because it was reasonably foreseeable to him that  
17 they had a marijuana farm with 1,000 plants.

18 Those are the three determinations you have to make, the  
19 third being 1,000 kilograms or more of marijuana,  
20 1,000 kilograms, 2200 pounds.

21 Dane Hughes himself testified that over the course of  
22 about nine to ten months, he was delivering and picking up and  
23 delivering and picking up and seeing boxes that were far in  
24 excess of 2200 pounds. And then who took over? Wolf. And for  
25 another seven months he was doing the same thing that Dane Hughes

1 was doing, and Dane Hughes knew that because they were staying at  
2 the Airbnb together, and that tub over there contained anywhere  
3 from 75 to 100 pounds of marijuana when they had to move it from  
4 one Airbnb to another.

5 There were thousands of pounds of marijuana distributed by  
6 this conspiracy between 2011 and 2019, and the amounts of money  
7 that they were talking about corresponds to that. There's just  
8 no doubt that all of the gang members knew that marijuana was the  
9 most profitable product, and it's far, far in excess of  
10 1,000 kilograms, 2200 pounds.

11 The substantive counts that I would like to address are  
12 twofold. One is the murder, obviously, and the firebombings.

13 Again, what's in the box? The firebombing's happened. We  
14 know they happened. We have extensive forensic evidence,  
15 physical evidence establishes they happened. And you have a  
16 chart, a timeline that gives you the dates of the vandalism, the  
17 shootings, and the firebombings for each property. Other than  
18 the Stafford firebombing, which may have been a mistake, mistaken  
19 address, we know what the motives were for the firebombings. You  
20 have to determine, did Tony Le play some role in the two  
21 firebombings charged in Count 14 and Count 15.

22 The Government has never alleged that he was physically  
23 present when the firebombs happened. That is not what the  
24 allegation is. The allegation is that he directed Tyler Le,  
25 Soung Park, and others to commit these firebombings. If you

1 conclude that that has been proven, then he is guilty of those  
2 counts. They are also racketeering predicates, arson. So for  
3 the firebombings that are not the part of those counts, you can  
4 also consider them in terms of the racketeering predicates.

5 The first one time-wise in the indictment, Antoine Gulatt.  
6 He was a prolific marijuana distributor for Johnny Ngo. He  
7 testified that he observed Tony Le, Cuhz, Johnny prepare the  
8 bottles. He knew they were Heineken bottles. I don't know how  
9 many brands of beer there are, probably hundreds, but he knew  
10 that these were Heineken bottles.

11 If he was going to make up a story, if he was going to get  
12 up on the stand and lie to frame Tony Le, what he should have  
13 said was Tony Le was there, but he didn't. He never testified  
14 that Tony Le was at the scene of the firebombings. He said he  
15 was there when Cuhz and Johnny were preparing the bottles. That  
16 was the testimony. He said that Johnny Ngo did it. Not Tony Le,  
17 but Johnny Ngo was the one who told him that he went to the  
18 house, the house behind the Chick-fil-A, and did this  
19 firebombing.

20 But Tony Le's testimony, how convenient, he turns the  
21 interaction between Gulatt and Tony Le around. Gulatt said Tony  
22 had the gun, so Tony testifies, oh, Gulatt was the one who was  
23 waving a gun around. The trusted confidant of Johnny Ngo, the  
24 guy who's distributing marijuana for Johnny Ngo starts waving the  
25 gun at the OG, the gang leader, and then goes on to continue

1 distributing marijuana for Johnny Ngo. It makes absolutely no  
2 sense.

3 And he is trusted by Johnny Ngo. When Johnny Ngo was  
4 arrested, who did he call to clean out his apartment in Prince  
5 William County? Who did he get to go and get the safe? Antoine  
6 Gulatt.

7 And he was arrested. The suggestion was that he got off  
8 scratch-free in this case. No, he was arrested in Prince  
9 William, and he pled guilty, I think he said four misdemeanors.

10 It happened. The motive, Tony Rendon came in here and  
11 testified that Emilio A. Cho ripped off Johnny Ngo. And Johnny  
12 Ngo's phone records show that he was there. It happened. Johnny  
13 Ngo did it. And who does Johnny Ngo report to? Tony Le.

14 Count 15, Huynh. Huynh is the central character in two of  
15 these addresses, two of these series of vandalisms and  
16 firebombings. The first one, Victoria Road, starts in 2012.  
17 Sunset Lane starts in 2016.

18 Take a look at Exhibits 35-2B and 35-3B. Take a look at  
19 the timeline of events. Take a look at the media posts, the  
20 social media posts in those timelines. Who makes them? Tony Le.  
21 Now, he can say all he wants. He can draw on the screen and try  
22 to explain that they're not his or whatever, but they're  
23 consistent, and they're in evidence, and you can look at them.

24 The first one was about the rip-off of marijuana. The  
25 second was when Huynh came into the Honey Pig followed by Pai and

1 Monster and the rest of the gang and assaulted Steven, and Steven  
2 went to court, and that's when the violence started. The earlier  
3 one was about a drug deal in which someone ripped them off.  
4 Huynh is the common ingredient.

5 And who did Starter say was present when Huynh got ripped  
6 off? Tony Le. And who is running the gang, one of the leaders  
7 of the gang in 2016 when Steven goes to court? Tony Le.

8 Now, as Tyler Le and Soung Park both testified, multiple  
9 acts, firebombings and vandalism, multiple acts.

10 Tyler Le could not remember each and every one that he  
11 did. He testified he -- there was some -- there was a picture  
12 that he put up on the screen, and he remembered that particular  
13 house, but he can't say each and every house. But he did  
14 remember that Tony Le was the one who directed him on all of  
15 these. He did remember that he gave Tony Le, Steven's address  
16 for that firebombing.

17 Now, Soung Park also testified that he did a bunch. He  
18 did a bunch. The most he said he was recruited into it by Tyler  
19 Le who in turn had been recruited by Tony Le. He said he  
20 remembered one specifically that Tony Le had asked him to go on.

21 Now, on cross, he was pressed about alcohol and drugs and  
22 alcohol and drugs over and over again, and he said, "Well, maybe,  
23 maybe not." But then Ms. Cuellar got up on redirect, and he  
24 confirmed, yes, he did specifically remember Tony Le directing  
25 him on at least one.

1 Again, look at the social media posts. Look at the  
2 evidence. Those firebombings happened. That vandalism happened.  
3 It's on video. It's captured. There's no doubt that it happened  
4 and there's no doubt as to the motives behind it. And that gets  
5 us to what happened in court the first day. Why was that so  
6 important to put those names up there, and whose names were they?  
7 Binh Nguyen, Steven Nguyen, the victims of the steady vandalism,  
8 firebombings, all of that violence, the snitches.

9 Tony Le can laugh all he wants in a jail call with his  
10 girl, but the point of it was to scare those witnesses, to  
11 intimidate those witnesses. It almost succeeded. Almost.

12 So where does it end up? It's Starter. Everything is  
13 Starter. Hong testified that he committed two firebombings. One  
14 was in 2014, before he went to jail. One was shortly after he  
15 got out of jail. He admitted it, and you will have the plea  
16 agreements, and you will see where the incentive is. You will  
17 see whether there's an incentive to lie, because if you lie, you  
18 get no protection, you can be prosecuted, and there's a whole set  
19 of things that can happen to you at the end of the plea  
20 agreement. Read that paragraph, the penalties. The plea  
21 agreement goes away, everything you did say can be used against  
22 you, you can be re-prosecuted, not only for what you were  
23 prosecuted for, but everything that the Government knows about  
24 you, everything, if you lie. So why admit to two if he did six?  
25 Why admit to two if he did four? Why admit to two at all if he

1 wasn't going to admit to everything? Look at the plea  
2 agreements, see where the incentives lie.

3 Now, the murder of Brandon White.

4 We heard some real doozies. I'm sorry, that's the only  
5 way to put it. Counsel for Peter Le stood up and said there was  
6 no scuffle in the parking lot. You can't see all of it, that's  
7 true. But you do have screenshots, 12-13, 12-14, 12-15, that  
8 shows Sayf in his white jacket. The edge of the screen, you see  
9 someone in a black jacket. You saw Brandon White in a black  
10 jacket in the Exxon step back and then get shoved forward, and  
11 then Sayf steps back, and then the white car leaves, and then the  
12 blue car leaves. It's there. It's on video. It's part of the  
13 box.

14 Counsel also suggested that, oh, Fahad had a gun because  
15 he pled guilty to a gun count because he went back to the hotel  
16 with Sayf that night. His statement of facts, on February 9th,  
17 he was in another hotel in Alexandria with his friends with  
18 marijuana and a gun, and he pled guilty to those.

19 There's no evidence that he had a gun that night. There's  
20 no evidence that he went back and celebrated with Sayf. In fact,  
21 the only people that seemed to celebrate is Peter Le who went to  
22 New York City with Angel and Wolf shortly after the murder. They  
23 went to Times Square.

24 Now, where does it all start? Brandon White owed YG  
25 money. Yes, the debt went back a few years. But YG complained

1 about it. He complained about it as recently as 2018. And why  
2 is he complaining about it? Because he had a debt, he had a  
3 30,000-dollar debt to Tony Le. It all started with YG.

4 Now, Brandon White had sold a fair amount of marijuana for  
5 Young Yoo, over a hundred thousand dollars worth, and he was  
6 trying to make some payments. Yes, in his mind, he had whittled  
7 the debt around -- down, but YG was telling people that it was  
8 10,000. And that was before David Nguyen assaulted Brandon  
9 White.

10 Again, he tells Dane Hughes when Dane Hughes suggested,  
11 "Oh, I know someone who knows Brandon White. I'll take care of  
12 it."

13 Now, what happens when David Nguyen gets in the car with  
14 Brandon White? He's trying to contact YG, Young Yoo. And what  
15 does Soung Park say? He's at a restaurant with Young Yoo, and  
16 Young Yoo gets a call from David Nguyen, and Young Yoo tells him  
17 to beat him up. And what happens? He gets beat up. Viciously  
18 assaulted.

19 David Nguyen was only out of jail for a few -- two months.  
20 He was suspected of being a snitch in his prior time in jail in  
21 2017. That's when you heard testimony about people coming to  
22 David Nguyen's house and trying to break the windows. Now, he's  
23 out. Now, he has to prove himself again to the gang, and he  
24 beats Brandon White viciously because YG told him to do it. It  
25 all starts there. It all starts with the drug conspiracy, with



1 the debts that are owed, with the obligations. The debts go up.  
2 Even Peter Le had Bahim in the ledger as owing money. And you  
3 remember what Sayf had said? He ripped off Brad Sullivan, but  
4 Brad Sullivan was getting it from Peter Le, so in Peter Le's  
5 mind, Sayf owed him.

6 Now, the period between David Nguyen getting arrested and  
7 testifying was when all these conversations take place as to what  
8 to do. Yes, Young Yoo hires a lawyer. He's making an effort to  
9 pay off Brandon White. He's making that effort. He's concerned,  
10 "What should I do?" Yeah, he's not the most well respected gang  
11 member. He is suspected of being soft. He has to figure out, "I  
12 got DD, David Nguyen, into this situation. I wasn't expecting  
13 him to get arrested. I wasn't expecting him to go to jail. Now,  
14 I have to get out of this mess. I'm going to pay David Nguyen  
15 off" -- or, excuse me, "pay Brandon White off." That was the  
16 plan.

17 But that plan ends when Brandon White doesn't take the  
18 money. That plan ends when he testifies. Now, it's done. Now,  
19 YG -- now, Young Yoo has a lot bigger situation. One of the gang  
20 members is going to jail because he didn't take care of his  
21 business, he didn't take care of Brandon White. He let somebody  
22 else do his dirty work, and now, that person is in jail, and now,  
23 he has a real predicament.

24 So what happens? The next thing we know is that Peter Le  
25 contacts Fahad, discusses with Fahad, "Do you know" -- he thinks

1 that maybe Sayf knows Brandon White, but he's not dealing with  
2 Sayf right now because Sayf is trying to stay clear. Yeah, when  
3 they were on good terms, he liked having him around, the little  
4 Somalian guy with the gun, sure, makes him tough. But now that  
5 Abdullah is trying to steer clear, Peter Le has no way to contact  
6 him, so he goes to Fahad who's a member of Club Tiger, who is  
7 regularly getting marijuana from Peter Le, and says, "Hey, you do  
8 something for me. I'll take care of you, and I'll take care of  
9 your buddy Abdullah." That's the plan at this point. We keep  
10 hearing about this plan, and I'll address that in a second. But  
11 that's all that Peter Le was asking Fahad to do, just get Brandon  
12 White out of his house in a car. That's all you have to do.  
13 That's all you have to worry about.

14 It was up to Fahad and Abdullah Sayf to figure out how to  
15 do that. That was their job, get him to Peter Le. And what do  
16 you get? You get money taken off of your tab. Again, it's part  
17 of the drug conspiracy. It's part of the drug trafficking. You  
18 get some of your debt extinguished. What does Abdullah get? He  
19 gets his debt extinguished, and he gets some drugs.

20 What happens next? They need a car. Who arranges for the  
21 car? Peter Le calls his friend Jonathan Kinney who has these  
22 cars in his name because he owes Peter Le money, because he had  
23 his drugs seized by the police not once but twice in a week, one  
24 unlucky guy. But he's willing to continue to work. He didn't do  
25 what Brandon White did. He didn't sort of disappear. He's

1 continuing to work to pay off his debt. That's okay. If you  
2 stay involved, if you keep supplying the gang with money, they're  
3 not going to beat you up. They're not going to retaliate.

4 So Jonathan Kinney, "Sure, Peter, what do you want? I'll  
5 do it for you.

6 "The guys are going to come pick up the car."

7 Fahad has a note in his phone with the address, with his  
8 debt, 16,900. They go, they pick up the car. They pick up  
9 Brandon White around 11:00 or so. And then the car breaks down.  
10 All Fahad and Abdullah knows, they're supposed to let Peter Le  
11 know when they've got Brandon White, and Peter Le will tell them  
12 what to do, but now that doesn't work. They know nothing about  
13 whatever Peter Le is planning with whomever. They're at the  
14 Exxon. Again, you can see Fahad using his phone. He tells  
15 Abdullah, "I'm contacting Peter. Hang tight. They'll be here."  
16 They go to McDonald's. They wait.

17 About half past 11, 11:30 or so, the cars show up in the  
18 parking lot. Again, we know that for a fact. Two cars show up,  
19 a white car and a blue car. They park side by side. Their  
20 headlights are forward. We know for a fact that Fahad, Abdullah,  
21 Brandon White leave the McDonald's. We see Abdullah Sayf in his  
22 bright white jacket in front of McDonald's next to Brandon White  
23 in the black leather jacket, and we see them walk towards the  
24 headlight beams in the parking lot. You can't see the cars, but  
25 where those beams are shining, Detective Byerson said, if you go

1 back to the other video, you can see when those cars enter and  
2 leave the parking lot from the long-range view. And then there's  
3 a scuffle.

4 Now, counsel suggests that perhaps Kevin Aagesen, who we  
5 know is driving the white car, could not see that scuffle. The  
6 scuffle occurs in front of the cars, slightly in front of the  
7 cars. How do you know that? Because you can't see those cars in  
8 that portion of the video, but you can see a portion of the  
9 scuffle.

10 Fahad, Sayf, Kevin Aagesen, Henny, all say that Peter Le,  
11 Joseph Lamborn are in the blue car, Wolf is the driver. They  
12 have latex gloves on. I think Henny said they -- he thought they  
13 were black. Sayf Abdullah and Fahad said they were blue. And  
14 they get Brandon in the back seat.

15 Abdullah says it looked like -- he didn't say he had a  
16 gun. Again, if you want to embellish, if you want to add the few  
17 details just to make the prosecutors happy, of course, we want to  
18 have happy prosecutors, you say it's a gun. No, he didn't say  
19 that. He said it looked like he had a gun because his hand was  
20 in his shirt, but they grab Brandon White and they throw him in  
21 the back of the car.

22 Someone says, "Fahad, get in the white car." He's  
23 surprised. He didn't know that he was expected to go. And then  
24 they head out.

25 What happened right before that, right before 11:00?

1 Joseph Lamborn's phone, Young Yoo's phone are in Merrifield where  
2 Peter Le's apartment is. And that's where they are.

3 Now, Young Yoo does go somewhere, or at least his phone  
4 goes somewhere for a few minutes.

5 Now, counsel suggested it must have taken 15 minutes from  
6 that intersection at Route 50 and Springfield, roughly five,  
7 six miles. These guys love to speed. It doesn't take  
8 15 minutes.

9 But we know for a fact that he's in the parking lot at the  
10 Giant at 11:43. He's with Kevin Aagesen in that car. So what  
11 they do after they leave Peter Le's apartment, we don't know. We  
12 don't know if they took a wrong turn and got on the beltway and  
13 had to pull a U-turn and come back. We don't know if he ran and  
14 got somebody -- it's not in your box as to what they did in the  
15 time they left Peter Le's apartment and got to Loehmann's Plaza.  
16 We know they're in Loehmann's Plaza at a particular time. You  
17 see the cars there in Loehmann's Plaza. You know what time they  
18 leave. And you see Young Yoo's phone at 11:48 right where it  
19 should be if they had just kidnapped someone in Loehmann's Plaza.

20 And you heard counsel say, "Well, why isn't he in the blue  
21 car? Why isn't he in the blue car?" Well, if he has nothing to  
22 do with it, why is he in a car at all? He's there.

23 They head down the highway. They're going fast. Fahad  
24 tries to use his phone. You see that in the records. Young Yoo  
25 tells him to turn off his phone. Why? Because he knows that

1 they're going to do something bad. He knows he doesn't want to  
2 be tracked. His phone is turned off. Kevin Aagesen's phone is  
3 turned off. They want to make sure that Fahad's phone is turned  
4 off as well.

5 And he has a gun. As an aside, counsel says, "Oh, he  
6 reached up, and he went like that with the gun (indicating)."  
7 That's not in your box. He had a gun. He moved the slide in the  
8 car, but there's no evidence he held it up in the air.

9 Did Fahad see it? We don't know. Did he forget it? We  
10 don't know. It's not in your box.

11 What's in your box is the unrefuted testimony of a gang  
12 member who knows Young Yoo well. He's not a guy like Fahad who  
13 joined the gang in May of 2018 as an 18-year-old and has had very  
14 few dealings. He doesn't even know Kevin Aagesen. Kevin Aagesen  
15 who knows Young Yoo well said he had a gun, and he is there in  
16 the front seat.

17 They head down the highway. And how do we know they're  
18 going down the highway? Joseph Lamborn's phone is going down to  
19 Richmond. At some point, the cars do separate. White is  
20 following blue. They get separated. And what do you see? You  
21 see another hit on the phone. And then they get down to the  
22 roundabout. Again, Joseph Lamborn's phone establishes that it  
23 went down there. They're down there exactly at the time -- if  
24 you look at the time they left Loehmann's Plaza, if you look at  
25 the time they got down that roundabout, it's consistent with the

1 testimony. But the blue car is parked a little bit closer to the  
2 grass. The white car comes around the roundabout and parks a  
3 little bit further away. So, yes, when Young Yoo gets out of the  
4 car, he has to catch up. And, yes, it's dark out, and there's a  
5 slope. And as they go down the slope, they're out of view.

6 But there's no testimony, there's no evidence that Joseph  
7 Lamborn and Peter Le were in the woods before YG got out of the  
8 car. That's just not in evidence.

9 Both Kevin Aagesen and Fahad said Young Yoo got out of the  
10 car when he saw Peter Le, Joseph Lamborn get Brandon out of the  
11 car. And he saw them holding Brandon, walking towards the woods,  
12 Young Yoo catching up.

13 What happens next? They hear gunshots. They don't see  
14 Young Yoo racing out of the woods before the gunshots. They hear  
15 gunshots, and then they wait. Young Yoo comes back to the white  
16 car. Peter Le, Joseph Lamborn get in the blue car, and Kevin  
17 Aagesen sees a letter jacket.

18 What does the medical examiner show you months later?  
19 There's no leather jacket. No leather jacket.

20 They take off. Again, the testimony is consistent between  
21 Fahad and Kevin Aagesen. There's a stop. Joseph Lamborn gets  
22 out. He puts something in the sewer.

23 Again, this is the Joseph Lamborn that Kevin Aagesen and  
24 Fahad know. Kevin Aagesen, Tiger Side. He didn't say it was  
25 Starter. He didn't say it was anybody else. It was Joseph

1 Lamborn.

2 And, again, the phone records establish that they drove  
3 up. They end up in Fort Washington.

4 Now, there's some other tidbits of information that were  
5 left out. For example, Peter Le asked Dane Hughes if he wanted  
6 to go on a mission that day, \$5,000, and he said no. He smelled  
7 something was wrong. He also recalled Wolf coming back to where  
8 they were staring -- staying in all black saying, "You got to go  
9 on these missions sometimes."

10 Now, what happens next? Both Soung Park and Spencer Pak  
11 hear about what happened. Young Yoo and Spencer Pak are best  
12 friends, best friends, closest friends, and Young Yoo comes to  
13 him distraught. He is upset. It's a day or two after,  
14 February 1st, and he spills his guts. Why? Because he wants to  
15 know, am I in trouble? That's what he says. And he tells him  
16 that he stabbed Brandon White.

17 Brandon White's body is not found until December. Spencer  
18 Pak was interviewed about this in October. There's no article,  
19 there's nothing out there, there's no evidence in your box that  
20 anyone knew that Brandon White had been stabbed until the medical  
21 examiner and the anthropologist did their study, analyzed the  
22 bones, and revealed that he suffered multiple stab wounds, stab  
23 wounds to the forearm, self-defense, stab wounds to the head.  
24 That's what YG described to Spencer Pak a day or two after the  
25 murder, something that only three people knew, Peter Le, Joseph



1 Lamborn, and Young Yoo. He stabbed him. And then he said  
2 trigger shot him, shot him in the back, and then they left.

3 And, yeah, he said it's the craziest thing he ever saw.  
4 In other words, he was there. He didn't go running somewhere.  
5 He saw it. He witnessed it. He was part of it.

6 Now, Soung Park, he gets a very similar description, but  
7 not as detailed from Joseph Lamborn. Excuse me for a moment.  
8 YG, Douglas, Joseph Lamborn, all YG was saying, "It's bad. It's  
9 bad." He didn't describe it. Joseph Lamborn described it. And  
10 Soung Park said that somebody died. That was Joseph Lamborn  
11 talking. And what did he say that happened? He said he killed  
12 the dude.

13 Where did Joseph Lamborn say they started? At some gas  
14 station somewhere. That it was Peter, YG, Trigga. He had a  
15 phrase for Fahad, not Fahad. They referred to him as -- I think  
16 it's his cousin referring to Fahad being Sayf's cousin. They  
17 said that guy wasn't supposed to be there yet. In other words,  
18 Brandon White showed up before they expected him. In other  
19 words, the car broke down. The original plan had to be scrapped  
20 and they had to improvise. And that's the term he used, he  
21 improvised. They forced him to the car and they drove off.

22 Didn't say Starter. This was Joseph Lamborn talking to  
23 Soung Park in front of YG with Douglas there, the Douglas who is  
24 everywhere, about what happened that night. Later, Soung Park,  
25 "What can I do to help?" So what does YG do? He gives him the

1 clothes, the dark clothes, the hoodies, black pants, the gloves,  
2 and the knife.

3 Again, why would Soung Park know anything about a knife  
4 and make up a story about a knife knowing that, "Oh, a year  
5 later, I might be arrested and I might have to talk to the  
6 police, so I'm going to come up with this story about a knife"?

7 He said he got a knife. He said he buried it. His  
8 cooperation came months, months later. Tried to find the knife  
9 with the police, couldn't find it. But he said he burned the  
10 clothes.

11 Now, again, everything is moving consistent with what the  
12 witnesses have said. Everything that has been said is consistent  
13 with the phone records.

14 So what happens next? Joseph Lamborn goes to visit  
15 Starter, Hong, in Texas, and you have the phone records that  
16 establish that they're both there. And they get Soung Park to  
17 come down, and they have a plan, because Lamborn is worried.  
18 They don't want to get caught. They're worried about the body.  
19 YG had asked Spencer. What did Spencer say? "Well, you  
20 shouldn't have left the body there."

21 So they go to Texas. They come up with a plan. They send  
22 Soung Park back for supplies. Walmart doesn't lie. They have  
23 the receipt, the kettlebell, the tarp, the ropes, and they go  
24 back to Richmond. They have a hotel room. They put the tarp out  
25 on the floor where they test it. And then in the middle of the

1 night, they go back to the roundabout because Joseph Lamborn  
2 knows where it is, and they go searching for the body. They find  
3 it. They wrap it up. They try to take it to the river. They  
4 give up. They leave it there. And nine months later, the FBI  
5 finds it. That's the proof. That's the evidence. It's in the  
6 box.

7 Starter was in Texas, February 1st, January 31st. It's  
8 Joseph Lamborn who comes to him and asks for help, and he  
9 provides it. And, yes, they go and they meet YG and Wolf and  
10 Knuckles down in North Carolina. And Starter is angry because,  
11 again, YG can't clean up his own business. He didn't clean it up  
12 with DD before. He messed that up. DD's in jail as a result.  
13 And, now, he won't even help Joseph Lamborn with the body. Yes,  
14 he's angry.

15 Now, the tattoos. Yes, they got tattoos together. They  
16 put the gravedigger up there, and Starter admitted that was  
17 pretty dumb. He thought people would let him alone. They'll  
18 think he's a tough guy. They'll think he -- he's a killer and he  
19 can do his cocaine deals and remain in Las Vegas and everything  
20 will be fine. Didn't work -- quite work out that way, but that's  
21 what he was thinking.

22 He admitted that, yes, it's a violation of gang code. But  
23 it's also a violation of gang code to take the stand and testify,  
24 but he did that, too. Again, you can look at the plea agreement  
25 and decide for yourself where that credibility line is.

1           So what does this all mean? Well, one, the three  
2 individuals charged with kidnapping, conspiracy to kidnap, under  
3 Virginia law, they're also guilty of murder. You will have that  
4 instruction. In other words, murder is defined to include both  
5 first-degree and second-degree murder. Murder in the first  
6 degree is murder by poison, lying in wait, imprisonment,  
7 starving, or any willful, deliberate, premeditated, and malicious  
8 killing of a human being or any murder done in the commission or  
9 attempt to commit robbery or abduction.

10           So even if the defendants want to weasel out a little bit  
11 and say, "I wasn't in it for the murder. I just wanted to beat  
12 him up. I just wanted to take him in a car, drive 90 miles an  
13 hour down to Richmond, beat him up in a wooded area that I know  
14 nothing about, and then come back," that's still an abduction  
15 that results in death. So under the VICAR statute, that's still  
16 murder. Under the kidnapping statute, that's kidnapping  
17 resulting in death. Under the statute dealing with 924(c),  
18 924(j), Count 13, that's still a murder.

19           VICAR statute requires Government to show a motive. And  
20 motive came out of their own mouths in terms of eliciting on  
21 cross-examination. Peter Le was not respected. He was  
22 considered soft. He's got these Club Tiger guys, these high  
23 school guys. He's doing deals at the lunch table at South County  
24 High School. That's the perception by the older homies. This is  
25 a whole new ball game for him.

1 Joseph Lamborn, down and out. He comes back. He posts a  
2 video, "I'm back. I'm ready to work." He's pleading with Tony  
3 Le in that exchange that he's got his life together. He wants to  
4 do something. He wants to do something to prove, prove it to  
5 them that he can be a good gangster.

6 And YG screwed up. DD's in jail because of him. He  
7 didn't take care of his business.

8 So all three have a motive within the gang to do this.

9 As I said, the kidnapping resulting in death, plain as  
10 day. Drug trafficking, he suggests that there's no drug  
11 trafficking angle here. It all revolves around drugs. We  
12 wouldn't be here unless this gang was not involved in the  
13 marketing, the distribution of drugs. That's what it's all  
14 about.

15 The tens of thousands of dollars that were -- Dane Hughes  
16 was running around with this, 17-, 18-year-old kid. All these  
17 high school kids with 5-, \$10,000 in their pocket willing to go  
18 out and throw rocks for Peter Le. Oh, the Peter Le that is this  
19 nice, calm, gentle person, the one who takes dogs into a park and  
20 stabs them, the one that Soung Park -- in the woods, beats people  
21 up, the guy who takes a baseball bat to the Way of Ink expecting  
22 to beat someone up. But it's all about drugs and money and  
23 power.

24 And so the 848(e) requires you to say, was it during -- in  
25 relation to a drug trafficking crime of the type in Count 6?

1 Yes.

2 And, finally, the Count 13, the firearms, murder. Three  
3 people kill somebody. Even if only one has a gun, all three are  
4 guilty. You can't escape liability. You can see it in the  
5 aiding and abetting instruction. You can't escape liability by  
6 saying, "Oh, he had the gun. I didn't." It doesn't work that  
7 way.

8 It is as simple as four go into the woods and three come  
9 out because all four had a motive and a purpose and intent to  
10 kill Brandon White. There was no other reason to take him to  
11 Richmond. They can beat him up in the woods over by Lorton.  
12 They took him to Richmond to a spot where no one would find him  
13 because they were going to kill him.

14 YG is in that car, that white car, because he is part of  
15 this plot. They're all guilty.

16 A few final thoughts, and I apologize for going so long.

17 You've heard a lot of evidence about drug trafficking,  
18 marijuana farm, firebombings, vandalism, drug debts, guns,  
19 smashing windows, money laundering, structuring, and all that  
20 evidence is significant. It's all important. It proves beyond  
21 any doubt the defendants are, in fact, guilty of the charges in  
22 the indictment.

23 But there's another aspect of why it's important. What  
24 this gang did, what this enterprise did will send a message. We  
25 don't care about the police. We don't care about justice. We

1 don't care about getting caught. We don't fear that. We don't  
2 care if the FBI is watching us. We don't fear the consequences  
3 of being arrested. Why? Because snitches pay. And that's the  
4 persistent message that runs through this trial. They weren't  
5 afraid of killing Brandon White because they figured no one is  
6 going to tell. Who's going to tell after they kill a witness who  
7 told? That's the message.

8 This trial, this process, relies on many people. But most  
9 of us are fungible. I can be easily replaced. There's dozens of  
10 prosecutors in my office who could stand here and do the same  
11 thing. There are equal number of very talented defense attorneys  
12 who could represent these defendants. And no offense to  
13 Judge O'Grady, but there are six other district judges in this  
14 courtroom who could try the case. And no offense to you, you  
15 were chosen at random. If it wasn't you, it's going to be  
16 someone else.

17 There's one unique component of our system, witnesses.  
18 Witnesses are not fungible. Witnesses cannot be replaced. We  
19 need the Binh Nguyens, the Steven Nguyens, the Brandon Whites  
20 that had the courage to come forward and testify in court. We  
21 even need the Kevin Aagesens, the Spencer Paks, the Soung Parks,  
22 the Angel Les, the Tyler Les, the Starters to take the witness  
23 stand and put aside their loyalties to a gang and to testify, to  
24 accept responsibility for what they did. Without witnesses, this  
25 process does not work. Without witnesses, we wouldn't be here

1 today. And that's the message that these defendants try -- tried  
2 to project.

3 Yes, we're here today because of what they did, but we're  
4 also here because of why? Duty. Sometimes I don't know what  
5 that means. I have a duty to represent the United States, but I  
6 don't think of it that way. I don't think there's any sacrifice  
7 involved. I enjoy my job. I come here willingly. At least not  
8 compared to the sacrifices from men in the military and our women  
9 in the military, the first responders, the medical providers who  
10 steered us through this pandemic.

11 Brandon White understood, in his own way, duty. In one of  
12 the text messages he exchanged with Special Agent Hoang a few  
13 days before he testified against David Nguyen, he said he wasn't  
14 the only one in this messed up situation, but a lot of them were  
15 just too young or too afraid to come forward.

16 And I have no doubt that he regretted that decision on  
17 January 31st. I have no doubt of that, that he wished he had  
18 taken the money and just walked away. I'm sure he wished he had  
19 done differently as these three men, Peter Le, Young Yoo, Joseph  
20 Lamborn, were dragging him through that wooded lot, stabbing him,  
21 shooting him, leaving him to die on that cold, cold night,  
22 painful, alone.

23 But on November 19th of 2018, Brandon White walked into  
24 the courthouse, Fairfax County, and he took an oath, and he  
25 testified, and he did his duty. It's time now to do yours.



1 Thank you.

2 THE COURT: All right. Thank you.

3 Let me reread the last instruction I left with you because  
4 it's been a while.

5 So it's, "Upon retiring to the jury room to begin your  
6 deliberations, you must select one of the members as a  
7 foreperson. And the foreperson will preside over your  
8 deliberations and will be your spokesperson here in court.

9 "Your verdict must represent the collective judgment of  
10 the jury. In order to return a verdict, it's necessary that each  
11 juror agree to it. Your verdict, in other words, must be  
12 unanimous.

13 "It's your duty as jurors to consult with one another and  
14 to deliberate with one another with a view towards reaching an  
15 agreement if you can do so without violence to individual  
16 judgment. Each of you must decide the case for himself or  
17 herself, but do so only after an impartial consideration of the  
18 evidence in the case with your fellow jurors. In the course of  
19 your deliberations, do not hesitate to reexamine your views and  
20 to change your opinion if convinced it's erroneous. Do not  
21 surrender your honest conviction, however, solely because of the  
22 opinion of your fellow jurors or for the mere purpose of thereby  
23 being able to return the unanimous verdict.

24 "Remember at all times that you are not partisans. You're  
25 judges, judges of the facts of the case. And your sole interest

1 is to seek the truth from the evidence received during the trial.  
2 Your verdict must be based solely on the evidence received in the  
3 trial. Nothing you have seen or heard outside of court may be  
4 considered. Nothing that I have said or done during the course  
5 of this trial is intended in any way to somehow suggest to you  
6 what I think your verdict should be. Nothing said in these  
7 instructions and nothing in any form of verdict is to suggest or  
8 convey to you in any way or manner any intimation as to what  
9 verdict I think you should return. The verdict that" -- "what  
10 the verdict shall be is the exclusive duty and responsibility of  
11 you. And as I've told you many times, you're the sole judges of  
12 the facts.

13 "The punishment provided by law for the offenses charged  
14 in the indictment is a matter exclusively within the province of  
15 the Court. It should never be considered by you in any way in  
16 arriving at an impartial verdict as to the offenses charged.

17 "As I said, a verdict form has been prepared individually  
18 for each of the defendants with each charge identified. Now,  
19 you'll take that form to the jury room. And when you've reached  
20 the unanimous agreement as to your verdict, you will have your  
21 foreperson write your verdicts on the form, date and sign the  
22 form, and return the verdicts to the courtroom.

23 "If it becomes necessary during your deliberations to  
24 communicate with me, you may send a note signed by your  
25 foreperson or any other member of the jury through Mr. Jones. No

1 member of the jury shall ever attempt to communicate with me by  
2 any means other than a signed writing. And I won't communicate  
3 with any member of the jury concerning the evidence, your  
4 opinions, or the deliberations other than in writing or bringing  
5 you-all here collectively back to the courtroom.

6 "Bear in mind that you should never reveal to any person  
7 or to me how the jury stands numerically or otherwise on the  
8 question of whether or not the Government has sustained its  
9 burden of proof until you have reached a unanimous verdict."

10 Your time will now become your own, as counsel have  
11 suggested. It's 12:35 now. I think lunch will be ready for you,  
12 and please have a good lunch.

13 Remember that you can only deliberate when all jurors are  
14 present. If somebody leaves the jury room, then you have to just  
15 wait for a couple -- a minute or two and -- for that person to  
16 come back, if somebody goes to their car, whatever. Remember,  
17 you shouldn't deliberate during that time period. You certainly  
18 can be looking at your own notes, but you shouldn't be  
19 deliberating.

20 Those notes that you have are for your own use and not for  
21 the use of other jurors. They're for you to help you recollect  
22 the testimony that you heard and not to be used by other members.

23 If you take a break in the midafternoon, which you're  
24 certainly free to do, remember, the remaining jurors shouldn't be  
25 deliberating.

1           You may leave tonight when it suits you to leave. If you  
2 want to leave at 5:30, if you want to leave at 6, whatever works  
3 for you, just let Mr. Jones know.

4           If you want to come back in the morning at 9:30 versus  
5 9:00, that certainly is up to you to make that decision as well.  
6 Please just let Mr. Jones know so that we're aware of when you're  
7 here and when you're not.

8           Oftentimes, when -- jurors don't go back and look at the  
9 instructions, and I know there's a lot of instructions, but I  
10 made copies for each of you. Because there are so many of them,  
11 that, normally, you might pass them around if -- or highlight one  
12 and I'll look at one. There's just a lot of instructions. So  
13 I've made copies of the instructions for each of you. So they're  
14 there for you to use.

15           Before you start asking -- sending written questions out  
16 to me about basic matters that are your responsibility, they're  
17 going to be in those instructions. So if you'll go over the  
18 instructions before you start sending out notes to me, I think  
19 that you'll be better served, and it will help you as you work  
20 through your duties in this case. So I'd ask you to take some  
21 time, go through the instructions, and then deliberate.

22           There are 16 of you. By law, only 12 jurors can  
23 deliberate and reach a verdict in a criminal case. We -- I had  
24 four alternates chosen because I don't know what's going to  
25 happen. I'm in a monthlong trial. We have had actually

1 instances where several of our jurors might have been required to  
2 leave the jury.

3 So it's my unfortunate duty to excuse four of you who were  
4 selected as alternates. Please don't do anything the -- to the  
5 alternates, please don't do anything that would disqualify you  
6 from being able to come back in and resume deliberations, if that  
7 becomes necessary. If there's a juror who is deliberating whose  
8 family has an emergency or some other reason why that juror has  
9 to leave, we may ask that one of the alternates come back and  
10 fill that spot. So if you leave word of where you can be  
11 reached, the -- I'm sure the jury will let -- members of the jury  
12 will let you know what the jury decided after they have made  
13 their verdict public.

14 So, [REDACTED] and [REDACTED] and [REDACTED]  
15 [REDACTED] and [REDACTED], I've got to excuse you at that time --  
16 at this time and with my sincerest thanks for the work that you  
17 did in working on the case and the attention that you've paid for  
18 this monthlong period.

19 So those jurors must be excused and leave the jury room  
20 before any deliberations begin.

21 All right. Thanks, you-all.

22 And I'm going to excuse you at this time to begin your  
23 deliberations. Thank you.

24 (Jury out at 12:39 p.m.)

25 THE COURT: All right. Anything before we recess?

1 MR. YAMAMOTO: Something quickly, Your Honor.

2 THE COURT: Yes, Mr. Yamamoto.

3 MR. YAMAMOTO: Scheduling for tomorrow. I have a doctor's  
4 appointment tomorrow afternoon, and I believe Mr. Brodnax has  
5 doctors' appointments tomorrow, also. I will leave at 1, if  
6 that's okay with the Court, and be back as soon as I'm done. I  
7 don't know how long it's going to be.

8 THE COURT: All right. If -- so you both have  
9 appointments -- doctor's appointments tomorrow afternoon?

10 MR. YAMAMOTO: Well, he --

11 MR. BRODNAX: I had one for this morning not knowing a  
12 doctor can see me tomorrow morning at 10 a.m.

13 THE COURT: Okay. Well, as long as one of you is here,  
14 there's -- it's not a problem. If nobody's here, that's a  
15 problem.

16 So where -- are you going to -- obviously -- I don't  
17 expect the jury to -- nothing's going to happen for several hours  
18 or likely today. I wouldn't rule out something at the end of the  
19 day, but I certainly don't think anything's going to happen  
20 today.

21 Tomorrow you need to stay in -- you know, within a  
22 distance where we can meet if questions arise. And this  
23 afternoon, the same way, if they start to have questions later in  
24 the afternoon, you've got to be available to answer those  
25 questions. So just let Ira know where you are or Paulina where

1 you are, and you've got to stay within a radius where we can  
2 reach you.

3 So if both counsel are going to be away at any time during  
4 the day, I need to know that. I need to approve that. We  
5 can't -- I'm not going to let -- I'm not going to have a jury ask  
6 a question and then find out that counsel's gone for the  
7 afternoon. That doesn't work. So let's do the best we can to  
8 make sure one counsel is available. And if not, let me know. I  
9 mean, let me know about it and approve it, all right?

10 MR. YAMAMOTO: Fine, Your Honor.

11 THE COURT: Okay. All right. Then we are in recess.

12 (Thereupon, a recess in the proceedings occurred from  
13 12:42 p.m. until )  
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